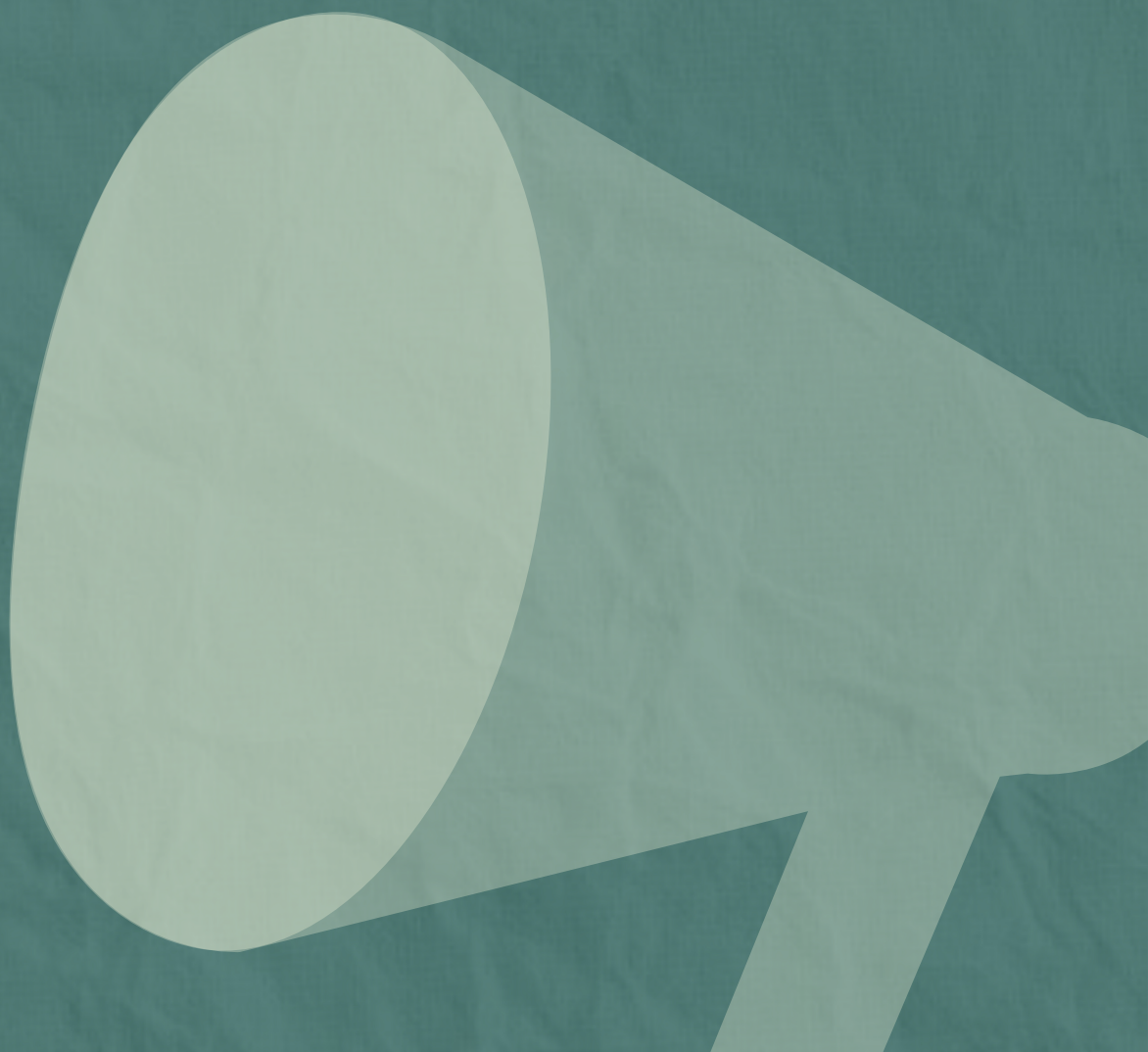# WHO SPEAKS AND WHO IS HEARD?

Civil society participation and participatory justice in DSA systemic risk management

Mateus Correia de Carvalho
Rachel Griffin

**Who speaks and
who is heard?**

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EXECUTIVE SUMMARY

Civil society participation is widely seen as an essential part of the DSA's governance system – by policymakers, regulators, academic researchers and civil society organisations (CSOs) themselves. There are two main reasons behind the importance attributed to civil society in this context. First, civil society - independent experts, civil society organisations and representatives of affected communities - can contribute information and expertise to processes of DSA implementation and oversight, also introducing additional, alternative perspectives about emerging issues and best solutions to address them. Second, and consequently, civil society can help strengthen the overall levels accountability in DSA governance by independently scrutinising how platform companies and public authorities are approaching DSA compliance and enforcement. However, previous research on the DSA and in other regulatory fields has highlighted various obstacles to meaningful civil society participation, such as lack of time and resources, limited access to information, and unequal access to regulators.

As DSA implementation is still at a relatively early stage, however, we do not know much yet about how these dynamics are playing out in practice. Moreover, existing research on civil society participation in the DSA has often implicitly treated 'civil society' as a homogenous group with shared interests, failing to adequately consider the divergent interests, policy goals, positions and capacities of different types of civil society actors. Several questions thus emerge: how are different civil society actors actually participating in the DSA? What opportunities and obstacles do they face? Are all interested and affected actors being heard in participatory processes?

This report presents a qualitative empirical investigation of these questions, focusing on participation in the DSA's systemic risk management framework. In order to understand the context in which early participation relating to the identification and management of emerging systemic risks unfolds, we have hosted a focus group workshop where we facilitated discussions and collaborative exercises between 14 civil society actors from different backgrounds (digital and non-digital rights NGOs, researchers, activists, grassroots organisations, journalists and a content moderators' union), complementing it thereafter with 21 semi-structured interviews. This enables us to trace shared and diverging experiences and perceptions across a diverse civil society landscape, making three main contributions.

First, we provide a detailed account of how civil society actors are engaging with the DSA systemic risk framework, including both formal legal mechanisms and informal participation mechanisms. We identify six key strategies: conducting and publishing research; lobbying and advocacy directed at platform companies;

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lobbying and advocacy directed at regulatory agencies; strategic litigation; submitting complaints to regulators; and public advocacy in the media. Of these, advocacy directed at platform companies was seen as the least useful, while strategic litigation emerged as one of the strategies many participants considered most promising to influence the implementation of the DSA in future.

Second, we describe some of the considerations that shape whether and how participants use try to engage with and influence DSA implementation. Notably, we discuss the timing of advocacy strategies, highlighting (i) the generalised perception that there is currently ample opportunity to influence how systemic risk is understood in the DSA given its early stage of implementation, and that (ii) such ample opportunity will reduce with the passing of time and is already being hampered by the geopolitical context relating to the current United States administration. We also refer to the ever-changing choice of several civil society actors between an 'insider' or 'outsider' positioning vis-à-vis platform companies and regulators. And finally we observe that, faced with several resource and capacity constraints, many civil society actors are involved in coalitions in order to gain more access to participatory spaces and enhance their influence therein.

Third, we highlight the differing experiences and unequal influence of the different civil society actors whose activity is relevant to DSA systemic risk management. We analyse three broad types of injustice that prevent equal and inclusive participation in this framework: inequalities of *distribution,* where some actors lack necessary material resources (e.g. funding to travel to consultation and networking events, or resources to conduct research); inequalities of *representation*, where some actors lack access to formal and informal spaces where they can exercise influence (e.g. because they lack connections in the 'Brussels bubble', or because policymakers do not see their perspectives as relevant); and inequalities of *recognition*, where some actors' views are less likely to be listened to even where they do have such access (e.g. because the topics they are concerned about do not correspond with regulators' political priorities and enforcement strategies).

On this basis, we offer some key recommendations to regulatory agencies about how they could promote more inclusive participation. Given that DSA implementation is still at an early stage, this is a timely moment to take stock of the multitudes contained within 'DSA civil society'; to consider a wider range of stakeholders whose experience and expertise may be relevant, beyond specialist digital rights organisations; and to ensure that a diverse set of civil society actors can participate in platform regulation on equal terms.

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1. INTRODUCTION

Articles 34-35 of the 2022 Digital Services Act (DSA)[1] require the largest online platform companies (very large online platforms and search engines, or VLOPs)[2] to regularly identify and assess 'systemic risks' associated with their services, and to take 'reasonable, proportionate and effective' steps to mitigate risks. This must cover the following areas:

- dissemination of illegal content;
- fundamental rights;
- civic discourse, electoral processes and public security;
- gender-based violence;
- public-health, including people's physical and mental wellbeing;
- protection of minors.

Suggested mitigation measures can include technical measures, like changes to content moderation processes and algorithmic systems; changes to internal policies and decision-making processes; and cooperation with other platforms and external stakeholders, like 'trusted flaggers' reporting illegal content[3] or independent fact-checking organisations.

Because they are so broad, and because they refer to 'systemic' issues and societal impacts, Articles 34-35 are regarded as one of the DSA's most promising levers to address structural harms and broader social concerns in platform governance, beyond individual rights and interests. However – exactly because they are so broad and open to interpretation – their impact will heavily depend on how they are applied in practice. Which of the many possible issues that could fall under these categories are identified as systemic risks in practice? How are

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[1] Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act) (Text with EEA relevance) [2022] OJ L 227/1 ('DSA').

[2] Articles 34-35 are part of Chapter III Section V DSA, which applies only to platforms and search engines with over 45 million monthly active users in the EU. A platform is defined as a service which hosts user-generated content and disseminates it to the public: see Article 3(i), DSA (n 1). It thus includes, for example, social media services like Facebook and Instagram (both owned by Meta) and TikTok; Google's search engine, app store, Maps and YouTube; e-commerce platforms like Amazon and Shein; and a number of large adult content platforms. However, it does not include private messaging services like Meta's WhatsApp. A full list of VLOPs subject to this section of the DSA can be found here: European Commission, 'Supervision of the designated very large online platforms and search engines under DSA' (17 December 2024) <**https://digital-strategy.ec.europa.eu/en/policies/list-designated-vlops-and-vloses**> accessed 18 August 2025.

[3] Article 22 DSA establishes a framework for third-party organisations to be formally certified as trusted flaggers by national regulators. To do so, they must demonstrate independence and expertise in identifying specific types of illegal content, but once certified, nothing prevents them reporting content they consider harmful though not necessarily illegal: Jacob van de Kerkhof, 'Article 22 Digital Services Act: Building trust with trusted flaggers' (2025) 14(1) *Internet Policy Review* <**https://doi.org/10.14763/2025.1.1828**>

risks understood, defined and measured? What risks are prioritised? And what kinds of mitigation measures are on the table?

In the first instance, these questions are resolved by platform companies themselves. However, their risk management practices are overseen by regulators, led by the European Commission's DSA enforcement unit, within the Directorate-General for Communications Networks, Content and Technology (DG Connect).[4] Other external stakeholders can also influence risk management – by directly influencing platform companies and regulators' decisions, and by participating in policy discourses and knowledge production processes that help establish shared understandings of risk.[5] These external stakeholders include private companies providing services to VLOPs or regulators, such as auditors,[6] consultancies and software providers.[7] They also include non-commercial actors, such as researchers, journalists, associations and NGOs.[8] In this report, we focus on the latter type of actor, grouping them under the broad term of 'civil society'.[9]

The DSA frames civil society participation as an important aspect of systemic risk management. Recital 90 states that VLOPs should consult with civil society and draw on independent research in their risk assessments.[10] The DSA also provides for civil society involvement in areas such as drafting codes of conduct, which can provide authoritative guidance on risk management.[11] DG Connect has stated its intention to involve civil society organisations (CSOs), researchers, users and affected groups in its enforcement of the risk management provisions,[12] and has already organised various consultations, calls for evidence,

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[4] The Commission has sole responsibility for enforcing this section of the DSA, but it is supported and advised by the European Board for Digital Services, which represents national regulators.

[5] Rachel Griffin, 'Governing platforms through corporate risk management: the politics of systemic risk in the Digital Services Act' (2025) 4(2) *European Law Open* 223 <**https://doi.org/10.1017/elo.2025.17**>.

[6] Article 37 DSA requires VLOPs to have their risk assessments independently audited. So far most of them have engaged the 'big four' dominant auditing firms. For an analysis of the audits of VLOPs' inaugural round of risk assessments, conducted in 2023 and made public in autumn 2024, see Daniel Holznagel, 'Shortcomings of the first DSA Audits — and how to do better' (*DSA Observatory*, 11 June 2025) <**https://dsa-observatory.eu/2025/06/11/ shortcomings-of-the-first-dsa-audits-and-how-to-do-better/**> accessed 7 August 2025.

[7] Lucas Wright, 'The Salesforce of safety: Software vendors as infrastructural/professional nodes in the field of online trust and safety' (2025) *Platforms & Society* <**https://doi.org/10.1177/29768624251390683**>; Ioan Paul Sipos, 'Mapping the Digital Services Act (DSA) Compliance Industry: Private Actors, Public Stakes' (DSA Decoded, 2024) <**https://www. dsadecoded.com/third-party-database**>

[8] 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(1) *JIPITEC* 35.

[9] For a more detailed outline of how we defined 'civil society' for the purposes of this study, see *Methodology*, below.

[10] Recital 90, DSA (n 1).

[11] Article 45, DSA (n 1). On the legal status and implications of codes, see Rachel Griffin, 'Codes of Conduct in the Digital Services Act: Functions, Benefits & Concerns' (2024) *Technology & Regulation* 167 <**https://doi.org/10.26116/ techreg.2024.016**>.

[12] Rita Wezenbeek (head of DG Connect), 'Opening keynote - The European Commission and the DSA' (DSA and Platform Regulation Conference, Amsterdam, 16 February 2024) <**https://dsa-observatory.eu/the-dsa-and-platform- regulation-conference-2024/**> accessed 23 October 2024; European Commission, 'Communication from the Commission – Commission Guidelines for providers of Very Large Online Platforms and Very Large Online Search Engines on the mitigation of systemic risks for electoral processes pursuant to Article 35(3) of Regulation (EU) 2022/2065' C/2024/2537, Document 52024XC03014, 26 April 2024; European Commission, 'Commission publishes guidelines on

multistakeholder workshops, and bilateral meetings with civil society actors.[13]

Many independent experts also think civil society participation is crucial for the DSA to effectively promote accountability and address social harms.[14] Civil society actors can provide research, evidence and advice to inform platform governance; advocate for affected stakeholders; and independently scrutinise VLOPs' and regulators' decisions.[15] Importantly, however, civil society actors do not directly represent the general public, or 'the public interest'.[16] Nor is 'civil society' a monolith with uniform interests and objectives.[17] Clearly, not all groups affected by platform governance have the same economic resources or organisational capacities for effective political advocacy. Nor will platforms and regulators attach equal importance to all views.[18]

In this context, we present an empirical investigation into how civil society participation in systemic risk management is playing out in practice, focusing specifically on issues of social justice and inclusivity. Our findings are based on a focus group workshop with 14 civil society participants from different professional and experiential backgrounds, complemented by 21 semi-structured interviews (see *Methodology*, below).

In section 2, we map different participatory mechanisms through which civil society actors can influence how systemic risks are understood, assessed and regulated under the DSA. We also highlight relevant strategic considerations that shape whether and how they make use of such participatory mechanisms.

In section 3, we discuss barriers that participants identified as constraining their meaningful participation in DSA systemic risk management (and in EU regulation

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the protection of minors' (14 July 2025) <**https://digital-strategy.ec.europa.eu/en/library/commission-publishes-guidelines-protection-minors**> accessed 11 December 2025; European Commission, 'Commission launches public consultation and call for evidence on cyberbullying' (22 July 2025) <**https://digital-strategy.ec.europa.eu/en/consultations/commission-launches-public-consultation-and-call-evidence-cyberbullying**> accessed 11 December 2025.

[13] Carvalho, 'It will be what we want it to be' (n 8); Ramsha Jahangir, 'EU Steps Up Civil Society Engagement On the Digital Services Act — Is It Enough?' (*Tech Policy Press*, 16 April 2025) <**https://www.techpolicy.press/-eu-steps-up-civil-society-engagement-on-the-digital-services-act-is-it-enough/**> accessed 11 December 2025. See e.g. European Commission, 'Commission stress tests platforms' election readiness under the Digital Services Act' (24 April 2024) <**https://digital-strategy.ec.europa.eu/en/news/commission-stress-tests-platforms-election-readiness-under-digital-services-act**> accessed 11 December 2025; European Commission, 'Protection of minors – guidelines' (Have Your Say, 30 September 2024) <**https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/14352-Protection-of-minors-guidelines_en**> accessed 11 December 2025; as well as the 'DSA Multi-stakeholder workshop on Systemic Risks' (Brussels, 7 May 2025) which one author attended.

[14] Martin Husovec, 'Will the DSA work?' (*Verfassungsblog*, 9 November 2022) <**https://verfassungsblog.de/dsa-money-effort/**> accessed 11 December 2025; Suzanne Vergnolle, *Putting collective intelligence to the enforcement of the Digital Services Act* (May 2023) <**https://dsa-enforcement.vergnolle.org/**> accessed 4 April 2025; Niklas Eder, 'Making Systemic Risk Assessments Work: How the DSA Creates a Virtuous Loop to Address the Societal Harms of Content Moderation' (2024) *German Law Journal* <**https://doi.org/10.1017/glj.2024.24**>

[15] Carvalho, 'It will be what we want it to be' (n 8).

[16] See e.g. Caroline W. Lee, Michael McQuarrie & Edward T. Walker (eds), *Democratizing Inequalities. Dilemmas of the New Public Participation* (NYU Press 2015).

[17] Rachel Griffin, 'The Politics of Risk in the Digital Services Act: A Stakeholder Mapping and Research Agenda' (2025) 5(2) *Weizenbaum Journal of the Digital Society* <**https://doi.org/10.34669/wi.wjds/5.2.6**>

[18] Ibid.

of platforms and AI more generally). Since these barriers differentially affect different actors, we analyse them as an issue of social and political injustice, drawing on the tripartite framework of participatory justice developed by political philosopher Nancy Fraser. Fraser argues that equal participation in society is impeded by inequalities of material resources; exclusion of marginalised groups from participatory spaces; and failure to recognise different groups' experiences, perspectives, and priorities.

Sections 2 and 3 should provide useful insights to researchers and civil society actors aiming to better understand how the DSA is being implemented so far and/or to identify opportunities and strategic considerations that could inform future advocacy. However, we conclude in section 4 by offering some recommendations to the Commission and national Digital Services Coordinators. Our recommendations focus on regulatory agencies because they play a key role in coordinating and overseeing DSA enforcement, making them particularly well-positioned to promote more inclusive participation.

METHODOLOGY

This report primarily presents findings based on a focus group workshop held in Paris in April 2025.[19] Focus groups involve inviting participants to co-produce knowledge through collective reflection, discussion and analysis.[20] This method enabled us to gather rich, detailed information about the commonalities and differences between diverse civil society actors' perspectives on the DSA. It also allowed us to engage with civil society actors not just as sources of data, but as active participants in producing knowledge about platform regulation.

We invited 14 participants,[21] all of whom are (either in an individual capacity, or as a representative of an organisation) engaged in some form of advocacy, research or journalistic work which is relevant for DSA systemic risk management. We aimed to maximise diversity of backgrounds, types of expertise, geographical locations, and focus areas. To achieve this, we followed

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[19] The workshop took place after the publication, in autumn 2024, of the first round of systemic risk reports published by VLOPs (detailing how they identified and managed systemic risks pursuant to Articles 34-35, and the results of their third-party audits under Article 37). Thus, participants' reflections could already take into account some concrete evidence as to how VLOPs approached systemic risk management.

[20] Peter Lunt, 'Talking to People IV: Focus Groups' in Hilde Van den Bulck and others (eds), *The Palgrave Handbook of Methods for Media Policy Research* (Palgrave MacMillan 2019).

[21] The literature we consulted on focus group design for qualitative research generally recommended a maximum of around 15 participants, to ensure that sessions are manageable and that all participants can contribute. Given our focus on including a diverse range of civil society actors, we opted for the higher end of this range. See Jay Klagge, *Guidelines for Conducting Focus Groups* (2018) <**https://www.researchgate.net/publication/327607001_Guidelines_for_Conducting_Focus_Groups**> accessed 20 January 2025; Deborah R Hensler, *Designing Empirical Legal Research: A Primer for Lawyers*, Stanford Law School (7th edition, 2022), 159; Rachel Arocho, Christie Knight and Rachel Munk, 'Focus Groups', *Understanding Research Design in the Social Sciences* (Pressbooks) <**https://uen.pressbooks.pub/fams/chapter/focus-groups/**> accessed 20 January 2025; Naomi Appelman, 'Disparate Content Moderation: mapping social justice organisations Perspectives on unequal content moderation Harms and the EU platform policy debate' (2023) Institute for Information Law, University of Amsterdam <**https://dsa-observatory.eu/2023/10/31/research-report-on-disparate-content-moderation/**> accessed 22 January 2025.

a theoretically informed quota-sampling approach,[22] in which we identified several relevant 'ideal type'[23] categories of civil society actors and invited a set number of participants from each category.

Our starting point for defining relevant types of civil society actors in the specific context of DSA systemic risk management was the list in Recital 90 DSA of relevant actors with whom VLOPs should consult: 'groups most impacted by the risks and the measures they take […] representatives of the recipients of the service, representatives of groups potentially impacted by their services, independent experts and civil society organisations.' As 'groups potentially impacted by [VLOPs'] services' is additional to 'recipients of the service', we interpreted this as including not just users but also other groups: for example, content moderators, or minority communities who may be affected by the spread of hate speech or online violence. We thus take 'civil society organisations' to include not just digital rights NGOs but also organisations advocating for such affected communities. Finally, we interpret 'independent experts' broadly, to include not only academics but also other individuals specialised in producing and disseminating knowledge about platform governance, such as freelance researchers, investigative journalists, or fact-checking organisations. While some civil society actors falling within the above categories may have financial relationships with public authorities, platform companies or other businesses (e.g. grant funding), we understand 'civil society' as excluding organisations which have primarily commercial relationships with governments and platform companies, e.g. auditors or consultants.

DSA systemic risk management can include a broad range of substantive policy issues, but we focused on participants whose work relates to one broad policy area: online hate speech, abuse and harassment. Narrowing our participation criteria in this way actually helped us broaden the diversity of our sample, because focusing on a specific substantive topic enabled us to identify and invite organisations and individuals whose work is relevant to this area, but who are not specialised in platform regulation and whose work may not explicitly refer to the DSA. We chose this particular risk area because it is specific enough to provide some common ground for discussions between participants with different backgrounds and expertise, but also broad enough to relate to several of the risk categories listed in Article 34 DSA (e.g. fundamental rights, civic discourse, gender-based violence, illegal content). Furthermore, civil society actors (both in general, and within our sample) have a range of different views on normative questions about how risks in this area should be managed. For example, some actors think platforms should be required to moderate more (potentially) harmful

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[22] Martin N Marshall, 'Sampling for Qualitative Research' (1996) 13 *Family practice* 522, 522-524; Greg Guest, Emily E Namey and Marilyn L Mitchell, 'Sampling in Qualitative Research', *Collecting Qualitative Data: A Field Manual for Applied Research* (SAGE Publications, 2013), 13; Katerina Linos and Melissa Carlson, 'Qualitative Methods for Law Review Writing' (2017) 84 *The University of Chicago Law Review* 213, 221, 223-225.

[23] Ideal types are 'exaggerated or one-sided depictions that emphasise particular aspects' of what is 'obviously a richer and more complicated reality', being '(…) intended merely as an analytical device' for that reality; see Simon Halliday, 'After Hegemony: The Varieties of Legal Consciousness Research' (2019) 28 Social & Legal Studies 859, 861; Gerd Winter, 'Theoretical Foundations of Public Participation in Administrative Decision-Making' in Gyula Bándi (ed), Environmental Democracy and Law (Europa Law Publishing 2024) 25. In this report, we have used ideal types of civil society actors, emphasising particular aspects of their activities and focus related to platform governance in order to differentiate them in the context of our sample's development.

content in order to protect groups targeted by hate speech, whereas others argue such requirements should be limited in order to protect online freedom of expression. This means that our study provides insights not just into the extent to which DSA enforcement is generally taking account of 'civil society perspectives', but also into the varying extent to which the diversity of *different* opinions and perspectives are being considered.

Our final workshop participants included representatives of four digital rights NGOs; one independent digital rights activist; four representatives of NGOs working on topics related to freedom of speech, online abuse and its regulation; one investigative journalist; one content moderation labour organiser; and three researchers. A full list of participants, along with further details about our quota sampling procedure, can be found in *Annex I*.

The one-day workshop consisted of three sessions, structured around the following overarching research questions:

- Which (formal or informal) mechanisms do participants use to influence systemic risk management?
  - Why do they focus on some mechanisms over others?
  - What are they trying to achieve when using each mechanism?
- What obstacles do participants face when trying to influence systemic risk management?
- What strategies and tactics do they perceive as most successful?
- What (formal and informal) coalitions and alliances are formed between civil society actors in this field?

Our structured discussions also built on a legal-doctrinal analysis of the relevant DSA provisions, which was used to develop a preliminary mapping of potential 'loci of participation', i.e. informal or formal ways that civil society can participate in DSA systemic risk management.[24] In this preliminary mapping, we also considered relevant AI Act provisions whose application may influence how platforms' algorithmic systems are governed and how related risks are understood, and which can thus also provide levers for civil society influence.[25] This preliminary mapping served as a starting point for focus group discussions and interviews.[26] In our subsequent analysis, we produced a refined mapping which identifies additional mechanisms, develops those already identified, and better reflects how civil society actors use them in practice. This updated mapping can be consulted in the separate annex to this report.

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[24] See Carvalho, 'It will be what we want it to be' (n 8), 57-67.

[25] For an overview of the relation between the DSA and AI Act in this respect, see Carvalho, 'It will be what we want it to be' (n 8), 39-48.

[26] Before the focus group workshop, we sent participants the preliminary mapping previously elaborated and published by Mateus Correia de Carvalho, based on doctrinal analysis of relevant DSA and AI Act provisions; see Carvalho, 'It will be what we want it to be' (n 8) 57-67. During the workshop, participants discussed which of these mechanisms they engaged with and why, and which other ways of participating might also be relevant. Additionally, in a small group exercise, participants collectively classified cards representing different loci of participation as 'useful', 'not useful' or 'unsure', and then discussed their conclusions with the other groups.

The focus group sessions involved a mix of open discussions between all participants, and structured exercises assigned to smaller breakout groups, using card-sorting and live-poll formats to facilitate collective deliberation and analysis. Audio and video of the sessions were recorded and automatically transcribed,[27] which allowed us to focus on moderating discussions, asking follow-up questions and taking notes on non-verbal reactions.[28]

To supplement the workshop data, one author (Mateus Correia de Carvalho) and co-organiser Claire Stravato Emes conducted 21 additional semi-structured interviews.[29] Interviewees were selected according to the same sampling strategy as the workshop,[30] complemented by snowball sampling where interviewees suggested other potential participants. Of the 21 interviews, 15 followed an interview guide structured around the same questions and topics covered in the workshop, while six were conducted later and followed a different guide focused on one specific aspect: the experiences of actors that are more distant from EU policymaking circles (marginalised communities, civil society from peripheral Member States,[31] grassroots organisations[32]). *Annex II* contains a full list of interviewees and detailed information on the interview guides.

Finally, this report is also informed by our participation (as invited academic experts) in other DSA-related events which included regulators, VLOPs, civil society actors and other stakeholders (e.g. auditing organisations). In particular, these events influenced our perceptions as to which kinds of organisations are typically over- or underrepresented in the DSA expert community, which in turn informed our sampling strategy and efforts to include diverse perspectives. They also helped us confirm and triangulate some of our findings about the perceptions and experiences of CSOs specialising in the DSA and platform regulation. Since these workshops were not organised by us and were held under Chatham House Rules, we have not used any direct quotes or statements, but merely draw on our experiences for background information. The three workshops we attended are listed in *Annex III*.

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[27] For this we used two AI-based tools, Otter.ai and Zoom AI Companion. The workshop transcripts were then verified against the recorded audio by a research assistant.

[28] Indeed, besides analysing oral statements of participants, we were also paying attention to 'non-verbal reactions', meaning when one or several participants would nod or hum in agreement to statements of other participants or to closed questions posed by us, moderators. Such 'non-verbal reactions' are duly noted in some of the footnotes of this report.

[29] Mateus was helped by co-organiser Claire Stravato Emes - to whom we again express our gratitude - with developing some of the interview guides and conducting some of the interviews.

[30] Five interviewees had been invited to attend the workshop but were unavailable and were invited to participate in an interview as an alternative. Three further interviewees who had participated in the workshop also agreed to give follow-up interviews.

[31] The terminology of wealthy 'core' states or regions which dominate advanced production and global value chains, and less-wealthy 'peripheral' states or regions which predominantly supply raw materials and low-value-added goods and services, originates from world-systems theory and has since been adapted to analyse inequalities between member states within the EU. In the context of platform governance, it has notably been applied by Jennifer Orlando-Salling, 'The Digital Services Act in the European Periphery: Critical Perspectives on EU Digital Regulation' (2025) 3(4) *European Law Open* 849 <**https://doi.org/10.1017/elo.2024.52**>. By 'peripheral Member States' in this report, we mean smaller and/or poorer Member States in southern and eastern Europe.

[32] We understand grassroots organisations, in this context, as organisations which advocate for the interests of communities affected by online hate speech, abuse and harassment, and content moderation, and which work closely with and/or whose staff or volunteers are drawn from communities.

2. HOW DO CIVIL SOCIETY ACTORS PARTICIPATE IN SYSTEMIC RISK MANAGEMENT?

While the DSA provides for several formal mechanisms of civil society participation, these are not exhaustive of the ways that civil society actors can try to influence systemic risk management. Implementing this regulatory framework involves concepts, narratives, policy priorities, and evidence about risks which are constructed through social processes of communication and knowledge production. Independent expertise and advocacy play an important role in these processes.[33] We therefore understand 'participation' broadly, to include any form of influence over how VLOPs manage risks, how public authorities apply the relevant DSA provisions, and how relevant issues are perceived and talked about in regulatory dialogue. In our discussions with participants, we asked about both 'official' channels that are explicitly aimed at soliciting civil society input, like consultations, and more indirect means of influence, like media advocacy. Below, we present and discuss in more detail the participation mechanisms which our discussions with participants suggested are considered most significant.

LOCI OF CIVIL SOCIETY PARTICIPATION IN SYSTEMIC RISK MANAGEMENT

Overall, our focus group discussions and individual interviews indicated six broad types of participation that participants see as particularly relevant and/or strategically useful. These are:

- research;
- lobbying & advocacy directed at VLOPs;
- lobbying & advocacy directed at policymakers & regulators;
- strategic litigation;
- submitting formal complaints to regulators;
- public & media advocacy.

Research

Scholarship on risk management generally highlights research and knowledge production as a key factor shaping risk management. Here, independent civil society actors can be particularly influential, because they are seen as relatively impartial and authoritative sources of knowledge.[34] Importantly, however, research is not only influential because it produces impartial evidence that

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[33] Griffin, 'Stakeholder Mapping' (n 17).

[34] See e.g. Ulrich Beck, *Risk Society: Towards a New Modernity* (Mark Ritter tr, Sage Publications 1992).

indicates the objectively best way to manage risks. Rather, independent research and expertise tend to influence policy decisions because and to the extent that other influential actors produce, amplify and frame research findings in ways that can support their policy agendas.[35]

In line with this understanding, many of our participants - especially those representing specialist digital rights NGOs, academics, and journalists - framed research as an important participation mechanism. It was understood not just as a way to better understand issues, but as a way to strengthen advocacy for certain policy priorities.[36] Researching and documenting systemic risks can influence policy directly, but perhaps more importantly, it can also support other forms of participation discussed below, such as strategic litigation or media advocacy, by showing that claims being made are evidence-based. Underscoring the importance attached to research as a form of advocacy, one participant who had previously worked at one of the most prominent European digital rights NGOs explained that a key focus of their early work on the DSA was advocating for CSOs, as well as academics, to be included in Article 40's research data access framework.[37]

Recital 90 DSA explicitly states that VLOPs should consider scientific research when conducting their risk assessments. However, only three participants explicitly mentioned trying to influence VLOPs via published research.[38] DG Connect and other regulatory agencies were more frequently mentioned as a relevant audience.[39] Two participants (a journalist and a representative of a feminist NGO) also framed their work in terms of educating a broader expert audience of other NGOs and journalists about digital violence and platform governance.[40]

Participants mentioned several types of research that could be relevant. Some participants suggested that DG Connect takes advocacy most seriously when it is backed by quantitative studies documenting platform-related harms.[41] Quantitative evidence is often seen as more authoritative: as one interviewee from a digital rights NGO stated, 'For the DSA, we have been hearing from the Commission that they don't want anecdotal evidence, right?'[42]

However, conducting this kind of research is challenging for many CSOs:

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[35] Josephine Adekola, *Power and Risk in Policymaking: Understanding Public Health Debates* (Springer Nature 2022).

[36] Participants 1, 4, 6, 7, 11.

[37] Participant 7. Interviewee 20 said something similar for their organisation.

[38] Participant 14; interviews 6 and 10.

[39] Participants 7, 11, 14; interviews 8, 10, 12, 19, 21, 22.
Indeed, regulatory agencies even sometimes actively commission research studies from independent academics, NGOs or consultancies: see e.g. Bundesnetzagentur, 'Forschungsstudien' (Digital Services Coordinator, 2025) <**https://www. dsc.bund.de/1034858**> accessed 11 December 2025.

[40] Participants 8 and 12.

[41] Interviews 9, 12 and 13.

[42] Interview 9.

"There are just not that many organizations who are actually able and capable to provide the kind of input the Commission is looking for. I think there are very, very few organizations who are capable of providing that kind of granular feedback, looking at all risk reports, pulling out similarities, best practices […] That's something that I think, to a certain extent, also overwhelms the capacity within civil society organisations. I think this is one example of the tension between the Commission and civil society."[43]

Some participants also mentioned VLOPs' obstruction of access to platform data (a practice that has been widely observed by other experts[44]) as a hurdle to this kind of quantitative research.[45]

More fundamentally, privileging large-scale quantitative studies over other forms of research can obscure particular experiences and local variations (for example, quantitative studies may overlook differences between EU member states' languages and online cultures). Some participants suggested that research into online hate speech should emphasise qualitative studies drawing on the experiences of affected communities.[46] Some of these participants (mostly representatives of minority rights or social justice NGOs) said that qualitatively documenting marginalised groups' experiences of online violence and abuse was a significant part of their organisations' work.[47]

Other participants described their research activities as more focused on proposing solutions than empirically documenting problems. This could involve proposing very specific risk mitigation measures as 'best practices' for DSA compliance, in the hope that they would either be adopted voluntarily by VLOPs, or taken into account by DG Connect in DSA enforcement.[48] It could also involve promoting certain framings or ideas about risk at a more general level: for example, encouraging regulators to frame risk mitigation in terms of platform design and content-neutral interventions, rather than moderation of harmful content.[49]

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[43] Interview 13.

[44] Philipp Darius, 'Researcher Data Access Under the DSA: Lessons from TikTok's API Issues During the 2024 European Elections' (*Tech Policy Press*, 24 September 2024) <**https://www.techpolicy.press/-researcher-data-access-under-the-dsa-lessons-from-tiktoks-api-issues-during-the-2024-european-elections**> accessed 23 January 2025; DSA 40 Collaboratory, 'Tracker Insights' (8 January 2025) <**https://dsa40collaboratory.eu/tracker-insights/**> accessed 23 January 2025.

[45] Participants 2, 6, 7; interviews 1, 6 and 10. Some of these participants mention being involved or attending the sessions of a judicial case brought by some researchers in against X for failing to provide researcher access to data; see CITR Team, 'A Win for Democracy, Transparency, and Research: Standing alongside DRI and GFF' (*Coalition for Independent Technology Research*, 15 May 2025) <**https://independenttechresearch.org/a-win-for-democracy-transparency-and-research-standing-alongside-dri-and-gff/**> accessed 6 November 2025.

[46] Participants 4 and 8; interviews 3 and 12.

[47] Participants 3, 4 and 8; interviews 7 and 18.

[48] Discussions at Workshop 2 (see Annex III) a Commission-hosted workshop in May 2025, which brought together representatives of VLOPs and a large number of CSOs and independent experts, suggested a widespread perception that VLOPs paid very little attention to these kinds of recommendations so far.

[49] Participants 1 and 6; interview 4.

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However, as we discuss further in section 3, it can be difficult to get these types of research on regulators' agendas.[50] Some academic researchers and NGO representatives said it was harder to get access to regulators to share research focused on more general problem framings or advocacy, compared to research that provided direct evidence about platforms' DSA compliance and/or was communicated in a way that aligned with the Commission's pre-existing enforcement priorities.[51]

Finally, some organisations described their research activities as less about conducting original empirical studies and more about synthesising academic research and making it accessible to policymakers.[52] One academic interview participant noted that beyond this kind of *ad hoc* civil society advocacy, there is a lack of more formal, institutional channels to aggregate and disseminate academic research that could be relevant for DSA systemic risk management.[53] This makes the role of CSOs in 'translating' between the academic and policy fields particularly significant. In turn, that also has implications for the politics of risk management. Academic research will be more likely to gain policymakers' attention if it aligns with the advocacy priorities of well-connected CSOs, as well as with the enforcement priorities of regulatory agencies.

Lobbying & advocacy directed at VLOPs

Participating in formal consultations with platform companies was widely seen as one of the least useful or effective tactics to influence risk management. We nonetheless include this as one of the six most significant types of participation because participants attached importance to it and expressed frustration at its decreasing usefulness, which we consider relevant for our policy recommendations (see section 4).

Recital 90 explicitly provides that VLOPs should 'embed such consultations [with civil society] into their methodologies for assessing the risks and designing mitigation measures'. However, participants who had closely followed the initial round of risk assessments and reports generally thought that there had been little meaningful consultation and that where it did take place, it was more a form of 'box-checking' than something which substantively influenced VLOPs' decisions.[54] Similarly, one participant suggested when platform companies participated in multistakeholder events organised by regulators or external CSOs, they often sent less senior staff members or communications and policy staff, who could not give much substantive information about compliance practices and risk management processes.[55]

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[50] Participants 4 and 8; interviews 7 and 18.

[51] Participant 14; interviews 6, 7, 10, 18. This impression was corroborated in Workshop 1.

[52] Interviews 6 and 10.

[53] Interview 10. This statement was corroborated in the discussions held in Workshop 1 (see *Annex III)*.

[54] Participant 6.

[55] Participants 3 and 6. Our observations at Workshop 2 are broadly in line with this claim.

Some participants also mentioned more informal channels such as bilateral meetings or spontaneous communication with platform staff.[56] Before the DSA was passed, this was already a widespread practice used by more established and well-connected digital rights and human rights organisations, for example to contest specific moderation decisions or policy changes.[57] However, participants in our study generally expressed negative views about such informal advocacy channels. Multiple participants said that even when they could contact 'trust and safety' staff[58] who were personally receptive to their arguments, these people were generally not senior enough to make meaningful changes, or lacked access to relevant information.[59] Where participants shared research output with VLOPs, apparently companies often showed an interest in receiving the research but never followed up to let researchers know whether and how it was considered.[60] One participant noted that these informal communication channels between VLOPs and civil society did not appear to have been used in preparation of systemic risk reports.[61] Nonetheless, some participants did suggest that although VLOPs are not particularly responsive to *input* from civil society, meetings and consultations can be a valuable way of getting information *out* of platforms about their policies and practices.[62]

Some participants felt that access to platform companies, and their responsiveness to civil society input, had decreased rather than increasing since the DSA came into force – possibly because VLOPs are concerned about sharing information that could expose them to non-compliance findings,[63] but also due to wider political trends, such as the second Trump administration's opposition to moderation of alleged disinformation and hate speech.[64] This had led at least one organisation to redirect resources away from lobbying companies

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[56] Participants 1 and 3; interviews 12, 13, 18, 21.

[57] Participants 1 and 3; interviews 13 and 21.

[58] 'Trust and safety' is the most widely used industry term for work related to content moderation and other aspects of platform design and governance aimed at preventing harms to users and enforcing policies on content and user behaviour. Many aspects of trust and safety work are commonly outsourced to third-party software providers and business process outsourcing companies that provide access to a cheap and flexible labour force, but large platforms generally maintain internal trust and safety teams - although most large platform companies have significantly cut trust and safety staff and spending in recent years. See Rachel Elizabeth Moran and others, 'The End of Trust and Safety?: Examining the Future of Content Moderation and Upheavals in Professional Online Safety Efforts' (2025) *CHI '25: Proceedings of the 2025 CHI Conference on Human Factors in Computing System* 176 <**https://doi.org/10.1145/3706598.3713662**>; Tom Tyler, Tracey Meares & Matt Katsaros, 'New Worlds Arise: Online Trust and Safety' (2025) 8 *Annual Review of Criminology* 12.1 <**https://doi.org/10.1146/annurev-criminol-111523-122337**>

[59] Participants 3, 9, 11 and 14.

[60] Participants 6 and 14; interviewees 6 and 10. This impression is confirmed by a number of similar statements in Workshop 1.

[61] Interview 13. Similar views were expressed in workshop 1, as well as by civil society experts in Ramsha Jahangir and others, 'Evaluating the First Systemic Risk and Audit Reports Under the Digital Services Act' (*Tech Policy Press Podcast*, 23 February 2025) <**https://www.techpolicy.press/evaluating-the-first-systemic-risk-and-audit-reports-under-the-digital-services-act/**> accessed 11 December 2025.

[62] Participant 11; interview 13.

[63] Interviews 13 and 21.

[64] For context, see Dia Kayyali, 'Meta's Content Moderation Changes are Going to Have a Real World Impact. It's Not Going to be Good.' (*Tech Policy Press*, 9 January 2025) <**https://www.techpolicy.press/metas-content-moderation-changes-are-going-to-have-a-real-world-impact-its-not-going-to-be-good/**> accessed 2 May 2025. This was also stated in interviews 9, 10, 11 and 18 and in Workshop 1, the latter reported by Magdalena Jóźwiak, 'The DSA's Systemic

and towards more confrontational strategies, such as litigation.[65] Other participants stated that platforms' unresponsiveness had led them from the outset to prioritise either confrontational media advocacy[66] or engagement with regulators,[67] as we discuss more below.

Lobbying & advocacy directed at policymakers & regulators

Advocacy directed at state institutions, policymakers and regulatory agencies was widely seen as a more effective strategy than advocacy directed at platforms. Participants discussed a number of tactics they could use to attempt to influence public policy and regulatory enforcement at different levels, including the Commission/DG Connect, as well as member state agencies responsible for DSA enforcement (Digital Services Coordinators, or DSCs). These tactics included:

- submitting formal consultation responses;
- participating in multistakeholder workshops and other consultation events organised by regulators, or in other institutional fora which create opportunities for dialogue with public authorities, such as the European Digital Media Observatory;
- formal collaborations and joint projects: for example, participating in civil society advisory boards set up by some national DSCs,[68] or responding to tenders and conducting research projects commissioned by regulatory agencies;
- formal lobbying and informal advocacy aimed at influencing member state legislation implementing the DSA and the establishment and organisation of national DSCs;
- more informal relationships and bilateral meetings aimed at influencing DG Connect and national DSCs' enforcement strategies.

Sometimes, a goal of such advocacy could also be to encourage governments and regulatory agencies to set up structures that enable greater ongoing civil society input in future. For example, a representative of Polish digital rights organisation Panoptykon said a major focus of their national advocacy work had been lobbying the Polish DSC to set up a civil society advisory board. Similarly, several digital rights NGOs are advocating for DG Connect to establish more formalised, permanent processes to engage with civil society.[69] Two academic

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Risk Framework: Taking Stock and Looking Ahead' (*DSA Observatory*, 27 May 2025) <**https://dsa-observatory.eu/2025/05/27/the-dsas-systemic-risk-framework-taking-stock-and-looking-ahead/**> accessed 28 May 2025.

[65] Participant 3.

[66] Participants 3, 9, 10 and 14. However, participant 3 stated that, due to the US geopolitical context highlighted above, public shaming or condemnation of VLOPs has become less effective.

[67] Participants 7 and 9.

[68] For example, the German DSC has set up a standing civil society advisory committee: Bundenetzagentur, 'Erste Sitzung des Beirates des Digital Services Coordinators bei der Bundesnetzagentur' (18 September 2024) <**https://www.bundesnetzagentur.de/1028472**> accessed 22 January 2025.

[69] In particular, this is a demand of the CDT-led DSA civil society coordination group: Jahangir (n 13). In April 2025, the Commission created an online survey for interested CSOs to fill in, in order to 'gain an overview of organisations working on DSA implementation and of their activities': European Commission, 'CSO Online Form' (EU Survey, April 2025)

interviewees suggested it would be desirable to establish something similar for researchers.[70]

Strategically, several participants expressed the view that advocacy targeting public authorities was a better use of limited resources than targeting platform companies, on the grounds that companies' goals and priorities were fundamentally opposed to theirs, whereas their interests and objectives were more likely to align (at least sometimes) with those of regulatory agencies.[71] Advocacy directed at regulatory agencies was also seen as a way to 'voice frustration' with VLOPs, in the hope of encouraging regulators to take a more confrontational approach to DSA enforcement – effectively representing a strategic alliance with regulators against platform companies.[72]

However, CSOs' political priorities and opinions may also often conflict with those of regulatory agencies. This may for example be the case when European regulators and policymakers are not concerned about impacts of platform governance outside Europe, or when policymakers demand restrictions on content that CSOs consider run against international freedom of expression standards.[73] More generally, several participants suggested that the Commission's views about which systemic risks should be prioritised differed from their own. In particular, several participants criticised the Commission for giving inadequate attention to online gender-based violence against women[74] and/or trans people,[75] despite ample evidence documenting these issues.

Several participants also expressed frustration about regulatory agencies' lack of transparency and responsiveness to civil society input.[76] For example, some participants said that they received no information about how (or if at all) their consultation submissions were used,[77] and felt the Commission might 'cherry-pick' research and consultation responses that supported its existing policy agenda.[78] Large multistakeholder events, such as the workshop organised by DG Connect in May 2025 - framed as a way to promote dialogue between VLOPs and civil society, and for the Commission to listen to civil society perspectives - were described as not particularly productive, for several reasons: platform

<https://ec.europa.eu/eusurvey/runner/155e9962-c284-1469-6d3e-16074a03c160> accessed 11 December 2025. It remains unclear for now how the Commission will follow up with CSOs that fill in this survey, but in any case, this is not the permanent formal channel envisaged by the Coordination Group.

[70] Interviews 10 and 11; many researchers expressed similar ideas in Workshop 1.

[71] E.g. participants 7 and 9; interviews 9 and 10.

[72] Interview 13; interviewee 9 expressed similar views.

[73] Participant 1, referring to her NGO participating in this open letter, see Access Now and others, 'Commissioner Breton: stop politicising the Digital Services Act' (19 August 2024) <https://www.accessnow.org/press-release/commissioner-breton-stop-politicising-the-digital-services-act/> accessed 11 December 2025. For another example see Access Now and others, 'Civil society open letter to Commissioner Breton' (17 October 2023) <https://www.article19.org/wp-content/uploads/2023/10/Civil-society-open-letter-to-Commissioner-Breton.pdf> accessed 20 August 2025.

[74] Participant 8; interviews 6, 7, 11; Workshop 1.

[75] Participant 8, interviews 3, 7, 17.

[76] Participants 1, 4, 5, 14; interviews 5, 9, 10, 11, 12, 15, 18; workshop 1.

[77] Participant 4; interviews 9, 10, 11, 18.

[78] Participant 14.

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companies did not engage seriously by sending senior staff who could meaningfully respond to questions; DG Connect gave little information to civil society participants about its enforcement strategy; and discussions generally remained superficial, failing to lead to concrete outcomes or proposals.

Some participants indicated that they attend this type of event more to network than to achieve meaningful regulatory outcomes. Insofar as they help to establish collegial and friendly relationships between CSOs, regulators and VLOPs, these events could thus be seen as serving to defuse conflicts and criticism about platform governance. However, some participants also described this networking aspect as a useful way to connect and exchange information with other CSOs (which can be an important foundation for coalitions and collaboration, as we discuss more below) as well as gaining otherwise unavailable 'insider' information from regulators and platform companies:

> 'I think people are approaching these events as an opportunity to get information from platforms, but also just to express their frustration, right? I mean, a lot of it is really just trying to hold platforms accountable with the Commission in the room […] But I think the helpful elements of what happens are in the margins, right? Like what happens in coffee breaks, what happens when people end up in conversation. And for that, I think these meetings are still helpful.'[79]

We should also note that these criticisms of DG Connect were not universal. Two interviewees complimented its engagement with civil society or stated that they 'feel heard'.[80] Several others suggested that inclusive and meaningful outreach to civil society is an inherently difficult task for regulators which is bound to leave some unsatisfied,[81] and that DG Connect was doing a good job or trying its best in the circumstances.[82] One participant also noted that the Commission had shown some openness to feedback and criticism from civil society.[83]

Overall, access to regulators and policymakers was one of the areas where we observed the greatest variation in responses and reported experiences. We attribute this to the different profiles of civil society actors. Organisations which are relatively well-resourced and have good networks in Brussels policymaking circles (international digital rights organisations, freedom of speech NGOs, and some academics) and/or whose work aligns with the Commission's enforcement priorities (e.g. disinformation, illegal content, AI safety)[84] tended to identify interactions with the Commission (both informal advocacy, and more formal input[85]) as a particularly important and impactful strategy, even though these actors could not always ascertain how far their feedback was taken into

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[79] Interview 18.

[80] E.g. interviews 8 and 16.

[81] Interviews 1, 12, 13, 16 and 18.

[82] E.g. interviews 8, 13 and 16.

[83] Interview 18.

[84] Participant 1, 2, 7, 9, 11; interviews 1, 8, 12, 16, 18, 19; workshop 1.

[85] However, participant 9 suggested that these interactions are increasingly intermediated through consultants engaged by the Commission, making it even harder to know whether input is taken into consideration at all.

account.[86] On the other hand, participants who are less specialised in the DSA, are less well-funded and well-connected, or whose substantive agenda focuses on aspects that are not enforcement priorities for the Commission (e.g. algorithmic discrimination, violence against minorities, different approaches to social media design) find access to regulators more difficult. This was the case for a content moderators' labour union; NGOs focused on social justice, minority communities and online violence; grassroots organisations; and some academic researchers. For example, while some participants complained that multistakeholder consultation events were not particularly useful, as described above, others observed that they are not invited or that these events are not even on their radar – even where, as in the case of moderators' unions, their perspectives and expertise are highly relevant to discussions about how the DSA can or should be implemented in practice.[87]

Some participants considered lobbying member state policymakers (e.g. via national parliaments or DSCs[88]) more viable for them than EU-level advocacy. A participant representing a very well-known network of digital rights NGOs (extremely active in European digital policy debates) suggested that national DSCs may be more responsive to civil society participation than the Commission because they feel more of a need to seek legitimacy, due to their new roles and limited expertise and resources. However, participants who had engaged with national DSCs also described widely varying experiences. Here, location emerged as a key factor, more than the expertise and resources of particular CSOs: there was consensus that some DSCs are far more interested in and responsive to civil society input than others, and more generally that their capability and capacities vary substantially.[89] The disparities described by participants generally seemed to align with wider, well-studied disparities in state capacity and civil society participation between larger and/or wealthier 'core' western European Member States and smaller and/or poorer States in southern and eastern Europe.[90]

Strategic litigation

The DSA is primarily enforced administratively by regulatory agencies, but it also provides for enforcement through civil litigation. Article 54 provides that users can sue under national tort law for any damages caused by a breach of the DSA. This

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[86] Interviewee 18 was particularly adamant about this.

[87] Participants 8 and 13; interview 3. This issue seems particularly acute when it comes to systematically marginalised groups, such as precarious moderation workers, but is also more broadly relevant. For example, interviewee 11, an academic, said they had never been invited to a formal EU consultation event, even though they considered their research topics directly relevant to DSA systemic risks, and suggested that in their opinion, access to these kinds of events was largely dependent on personal connections. Our own experiences would also largely support this last claim. We further elaborate on this point in Section 3.

[88] Member States have generally nominated existing telecommunications, media or consumer protection regulators as their national DSCs. For a comprehensive overview see EDRi, 'The Digital Services Coordinators Database' (2025) <**https://dscdb.edri.org/**> accessed 11 December 2025.

[89] There was a general consensus about this point in focus group discussions; it was also mentioned in interviews 1, 2, 14 and 15.

[90] Orlando-Salling (n 31).

can also involve class action suits brought by representative organisations.[91] There are already some examples of lawsuits seeking to enforce various DSA provisions against VLOPs, including class action suits and strategic litigation.[92] In this section, we use the term 'strategic litigation' for cases brought by or with the support of CSOs, with the objective of advancing a political agenda beyond the outcome of the particular case.[93]

In the context of systemic risk mitigation, several participants mentioned strategic litigation as a particularly important and impactful strategy. This included representatives of SOMI (a Dutch consumer rights NGO) and Gesellschaft für Freiheitsrechte (a German civil liberties NGO), both of which are specialised in strategic litigation, and have been involved in cases against VLOPs for breaches of various DSA provisions.[94] However, there was general agreement at the workshop that it was an important strategy. Some participants who were not directly involved in strategic litigation at the time of the workshop said they (or their organisations) had used litigation in the past to challenge platform-related harms, or said they were actively considering it in future.[95]

This consensus is in a sense surprising, because legal experts generally agree that Articles 34-35 are not directly enforceable in court. Because the obligations these provisions create are explicitly flexible, discretionary and based on dialogue with regulators, they are not considered precise enough to confer enforceable rights on individuals.[96]

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[91] This possibility is now regulated by the EU's 2020 Representative Actions Directive. On civil enforcement of the DSA generally see Paddy Leerssen and others, *Pathways to Private Enforcement of the Digital Services Act* (IViR DSA Observatory, 5 June 2025) <**https://dsa-observatory.eu/2025/06/05/report-pathways-to-private-enforcement-of-the-digital-services-act-dsa/**> accessed 5 August 2025.

[92] See Jacob van de Kerkhof & Catalina Goanta, 'Shadowbanned on X: The DSA in Action' (2025) 16(1) European Journal of Risk Regulation 352; Júlia Tar & Sara Brandstätter, 'X, TikTok face class actions under EU's GDPR, DSA and AI Act' (MLex, 5 February 2025) <**https://www.mlex.com/mlex/articles/2293588/x-tiktok-face-class-actions-under-eu-s-gdpr-dsa-and-ai-act**> accessed 11 December 2025.

[93] This only represents one possible way of defining strategic litigation, which is a complicated and politically contested concept: for a more detailed discussion see e.g. Kris van der Pas, 'Conceptualising strategic litigation' (2021) 11(6S) *Oñati Socio-Legal Series* 116 <**https://doi.org/10.35295/osls.iisl/0000-0000-0000-1226**>

[94] LG Berlin II case 41 O 140/25 eV, *Democracy Reporting International v. Twitter International Unlimited Company*; Rechtbak Amsterdam (Amsterdam District Court), The Netherlands, *Stichting Onderzoek Marktinformatie (SOMI) v. X Corp., Twitter International Unlimited Company, and Twitter Netherlands B*.V, available at: <**https://shorturl.at/GHIDI**>; or 20 VKI 1/25, Kammergericht (Higher Regional Court), Berlin, Germany, *Stichting Onderzoek Marktinformatie (SOMI) v Twitter International Unlimited Company*, available at: <**https://shorturl.at/m0YW5**>. SOMI is currently engaged in many similar ongoing claims in Belgium, Netherlands, Germany and Italy, some of them constituting class actions. Participant 1, from a freedom of expression NGO, also said that, as part of their advocacy strategy (to clarify the functioning and scope of platforms' due diligence obligations), they had intervened as a third-party in a case brought by a platform to challenge its designation as a VLOP in the DSA.

[95] Participants 3, 9, 11, 13; interviews 6, 9 and 13. While most of our participants discussed litigation against VLOPs, interviewee 5 was considering preparing a legal case against the Commission (based on prior successful administrative complaints) in order to get access to information about an ongoing DSA enforcement investigation. Here, we again see one participation mechanism being used as a means of accessing information to support further advocacy through other mechanisms (see *Lobbying & advocacy directed at VLOPs*, above).

[96] This is a requirement for EU secondary law provisions to be directly effective in court. See Leerssen and others (n 91).

However, other DSA provisions that deal with topics within the scope of Articles 34-35, such as moderation practices or algorithmic recommendations, are directly effective, meaning they can be enforced through civil litigation. For example, Article 14(4) requires content moderation to be 'diligent, objective and proportionate' and to consider fundamental rights, and Article 27 requires platforms to provide information to users about recommendation systems and make it easy to change recommendation settings.[97] NGOs have already brought some successful cases under these provisions.[98] These decisions can establish binding principles which will effectively also shape how VLOPs and regulatory agencies manage systemic risks linked with moderation or recommendations.

In such cases, Articles 34-35 can be invoked as more general guiding principles – for example, to indicate the kinds of harms VLOPs may cause and should be trying to prevent.[99] One participant reported that their organisation 'consistently invoke[s]' Articles 34-35 'alongside other primary provisions (like those concerning minors' protection or transparency) to secure broad operational and injunctive relief' – meaning that they rely on Articles 34-35 to argue that courts should address breaches of other DSA provisions through structural changes rather than individual remedies, especially in the context of class actions.[100] Conversely, lawsuits brought under other DSA provisions could provide supporting arguments for future enforcement of Articles 34-35 – for example, by authoritatively documenting platform-related harms and/or non-compliance, which could substantiate claims about systemic risks or (perhaps more likely) about the insufficiency of VLOPs' risk assessments and mitigation measures.[101] Finally, litigation challenging companies' compliance with Article 40 could help researchers obtain more access to platform data, enabling more research into systemic risks and VLOPs' risk management practices.[102]

From an advocacy strategy perspective, participants identified several

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[97] Leerssen and others (n 91).

[98] Dutch NGO Bits of Freedom obtained a Dutch court order for Meta to give Facebook and Instagram users in the Netherlands the right to set a chronological feed as their default, instead of one generated by recommender systems: Reuters, 'Dutch court orders Meta to change Facebook and Instagram timeline settings' (*Reuters*, 2 October 2025) <**https://www.reuters.com/technology/dutch-court-orders-meta-change-facebook-instagram-timeline-settings-2025-10-02**> accessed 12 December 2025; Ramsha Jahangir, 'What a Dutch Court Ruling Against Meta Signals for Private DSA Enforcement' (*Tech Policy Press*, 8 October 2025) <**https://www.techpolicy.press/what-a-dutch-court-ruling-against-meta-signals-for-private-dsa-enforcement/**> accessed 12 December 2025. Some other cases have succeeded in obtaining declarations of platforms' wrongful content moderation practices: see Van de Kerkhof & Goanta (n 92).

[99] For example, in a claim against X alleging a breach of its obligations to provide research data under Article 40(12) DSA, the claimants Gesellschaft für Freiheitsrechte and Democracy Reporting International invoked Articles 34-35 as indicating the kinds of harms that Article 40 aims to prevent. This was important to resolve a jurisdictional question about whether a Berlin court could hear the case against X (based in Ireland). See KM8 Rechtsanwältinnen & Rechtsanwälte, 'Antrag auf Erlass einer einstweilige Verfügung' (Gesellschaft für Freiheitsrechte, 4 February 2025) <**https://freiheitsrechte.org/uploads/documents/Center-for-User-Rights/einstweilige_verfuegung_x.pdf**> accessed 12 December 2025.

[100] Participant 10, in response to a follow-up written question on the specific use their organisation made of Articles 34-35 in their judicial claims.

[101] Participants 2 and 9; interview 13.

[102] Participant 2; interview 6. See also John Albert and Paddy Leerssen, 'Workshop Report: Researchers on Data Access and Preparing for DSA Article 40(4)' (*DSA Observatory*, 23 May 2025) <**https://dsa-observatory.eu/2025/05/23/researchers-on-data-access-and-preparing-for-dsa-article-404/**> accessed 12 December 2025.

advantages of litigation, compared to other strategies discussed above. First, where platforms are not responsive to advocacy, litigation offers a more confrontational strategy which (if successful) forces them to change their practices.[103] One participant suggested this made litigation especially important in the current political climate, where many 'big tech' companies are deprioritising 'trust and safety' and equality measures, and are less inclined to listen to civil society voluntarily.[104] Others mentioned that lawsuits (even if unsuccessful) cost money for VLOPs, and can thus disincentivise practices that are being challenged in court - giving NGOs a kind of material leverage over platform companies which is otherwise rare.[105] Second, rulings not only bind the defendant company, but can also establish general principles which create legal risks for other companies. Third, several participants highlighted that the impact of litigation goes beyond the legal outcome. For example, court cases can be leveraged to draw policymakers' and media outlets' attention to an issue.[106] Finally, one interviewee suggested that since lawsuits translate concrete cases of harm into generally-binding rulings, they offer a way to mediate between qualitative evidence and experiences of people affected by platform governance, on the one hand, and advocacy for more systemic changes, on the other.[107] However, some other participants suggested that the need to base litigation on individual cases of harm could lead to excessive focus on (allegedly) wrongful content moderation decisions, at the expense of more systemic and structural factors.[108]

Participants also highlighted some drawbacks and barriers to strategic litigation. Obviously, it demands financial resources and legal expertise that are not always available. Technical legal issues like standing in court may also pose barriers.[109] Finally, litigation is risky – not only in the sense that there is no guarantee of getting the desired outcome (especially when suing very well-resourced multinational companies with excellent legal teams), but also because it may result in an unfavourable decision which sets back the claimant's advocacy strategy.[110] Ongoing litigation may also entail non-disclosure obligations which

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[103] Participants 3, 5, 10 and 13.

[104] Participant 3.

[105] Participants 5 and 9, with other participants expressing general agreement.

[106] For example, a representative of Polish digital rights organisation Panoptykon said that a lawsuit they had brought against Meta for deleting another NGO's Facebook page (*Społeczna Inicjatywa Narkopolityki v. Facebook* [2024] Warsaw District Court, case number IV C 608/19) was useful not only to challenge these particular moderation practices, but also to draw attention to their wider campaigning and political agenda. For example, the final ruling received front-page news coverage, drawing legislators' attention to Panoptykon's advocacy for more capacities and ongoing civil society input for the Polish DSC. Interviewee 9 expressed a similar idea.

[107] Interview 13.

[108] Participants 4, 5 and 9; interview 13.

[109] This is particularly the case where a user suing a platform company is considered to be using the platform in a professional capacity and thus no longer qualifies as a consumer, as this makes it harder to sue in the user's own home state: see Jürgen Bering & Simonetta Vezzoso, 'Meta's Fundamental Digital Rights Blunder - And a German Antitrust Fix' (*Tech Policy Press*, 6 August 2024) <**https://www.techpolicy.press/metas-fundamental-digital-rights-blunder-and-a-german-antitrust-fix/**> accessed 7 January 2025.

[110] Interview 5; participant 1.

constrain other forms of public advocacy.[111] Overall, participants' different perspectives suggested that litigation is a high-risk, high-reward strategy – one which can if successful be very impactful, including in situations where other participation mechanisms fail, but which also demands significant investments and requires careful consideration of whether it should be prioritised over other possible strategies.

Submitting complaints to regulators

Some participants mentioned submitting complaints to regulators as another important legal procedure that can be used to challenge alleged breaches of the DSA.[112] Overall, submitting complaints with regulators is more flexible, less resource-intensive and more accessible than bringing lawsuits, but also less impactful, as their outcomes are so heavily dependent on regulatory agencies' discretion. A representative of a specialist digital rights organisation said that lodging complaints had probably been their most successful tactic so far, in the sense that these complaints led to concrete if small changes in VLOPs' DSA compliance practices.

We identified three relevant types of complaints procedure. First, the most prominent complaints mechanism mentioned in the DSA is Article 53, which provides that users or CSOs representing them can complain about alleged infringements to the DSC of their respective Member State.[113] DSCs do not have direct powers to enforce Articles 34-35 or investigate alleged infringements of these provisions, which are within the exclusive competence of the Commission.[114] However, if a complaint indicates 'systemic issues' or infringements of a 'systemic nature', DSCs can refer the case to the Commission to investigate these aspects.[115] Moreover, as with litigation, complaints may refer to Articles 34-35 when alleging infringements of other DSA provisions for which national DSCs do have enforcement powers, such as Article 14 on due diligence in content moderation or Article 27 on transparency and user choice in recommendation systems.[116]

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[111] Participant 13.

[112] Participants 2 and 9; interviews 9, 18 and 20. See also Mateus Correia de Carvalho, 'Du sommet à la base de la pyramide: l'engagement contestataire de la société civile dans la gouvernance du Digital Services Act' (2025) 4 *Revue du Droit Public*.

[113] The recipient DSC can then, 'where appropriate', pass on the complaint to the DSC of the Member State where the platform company is established, 'accompanied, where considered appropriate, by an opinion'. Both the recipient DSC and the DSC of establishment thus have significant discretion over how to handle complaints.

[114] See Article 56 DSA.

[115] Recital 138, Articles 65(2) and 66 DSA. Interviewee 18 noted that, in their complaints, they also point to more "structural" issues.

[116] See, for an existing example: Corint Media, 'Allianz aus Medien- und Digitalwirtschaft reicht DSA-Beschwerde gegen Googles „AI Overviews" ein' (18 September 2025) <**https://www.corint-media.com/allianz-aus-ngos-verbaenden-und-organisationen-der-medien-und-digitalwirtschaft-reicht-dsa-beschwerde-gegen-googles-ai-overviews-ein/**> accessed 12 December 2025. Note that the DSC competent to enforce these provisions would be that of the member state where the VLOP is established, whereas Article 53 provides for complaints to be submitted to the DSC of the complainant's home member state. Where these are different, the recipient DSA should 'assess the complaint and, where appropriate, transmit it to the Digital Services Coordinator of establishment, accompanied, where considered appropriate, by an opinion'.

Beyond triggering specific investigations into alleged non-compliance, complaints can also influence systemic risk management more indirectly, by drawing DSCs' attention to certain issues and encouraging them to take further action.[117] DSCs are represented collectively via the European Board for Digital Services (EBDS), which has powers to issue general guidelines on risk management,[118] advise the Commission on DSA enforcement, and adopt opinions on the compliance of specific VLOPs.[119]

Second, we found that some organisations are also addressing complaints directly to the Commission on a more informal basis, instead of or as well as using the complaint procedure set out in Article 53.[120] Like Article 53 complaints, these could relate directly to Articles 34-35 and systemic risk management, or to alleged infringements of other provisions of the DSA which might also be relevant to systemic risk management. Such complaints might encourage the Commission to open an investigation into VLOPs' compliance with Articles 34-35 on its own initiative.[121] However, this remains entirely at the Commission's discretion. As we discussed above under *Lobbying & advocacy directed at regulators*, participants often observed a lack of transparency about how (if at all) civil society input is taken into account in regulatory processes.[122]

Finally, another form of administrative complaint can be presented to the European Ombudsman, seeking to challenge how the Commission is enforcing the DSA.[123] Ombudsman decisions are not binding, but may be useful for contesting the Commission's approach to enforcement.[124] One such complaint recently led to the Ombudsman finding that the Commission should not apply a general presumption of non-disclosure to all freedom of information requests to access VLOPs' systemic risk assessment reports[125] – creating some pressure for

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[117] Recital 118 DSA states that 'Complaints could provide a faithful overview of concerns related to a particular intermediary service provider's compliance and could also inform the Digital Services Coordinator of any more cross-cutting issues.' These references to 'overviews' and 'cross-cutting issues' align with Articles 34-35's aim of identifying more widespread and structural platform-related harms.

[118] Article 35(3) DSA.

[119] Article 63(1)(d) DSA.

[120] For example, a complaint against LinkedIn by EDRi, Global Witness, Gesellschaft für Freiheitsrechte and Bits of Freedom was followed up on by the Commission, which sent a request for information about the allegations to Microsoft, and Temu was designated as a VLOP following a complaint by consumer protection organisation BEUC: 'Civil society complaint raises concern that LinkedIn is violating DSA ad targeting restrictions' (26 February 2024) <**https://edri.org/our-work/civil-society-complaint-raises-concern-that-linkedin-is-violating-dsa-ad-targeting-restrictions/**> accessed 12 December 2025; European Commission, 'Commission sends request for information to LinkedIn on potentially targeted advertising based on sensitive data under Digital Services Act' (14 March 2024) <**https://digital-strategy.ec.europa.eu/en/news/commission-sends-request-information-linkedin-potentially-targeted-advertising-based-sensitive-data**> accessed 12 December 2025; BEUC, 'Taming Temu: Why the fast-growing online marketplace fails to comply with the EU Digital Services Act' (16 May 2024) <**https://www.beuc.eu/reports/taming-temu-why-fast-growing-online-marketplace-fails-comply-eu-digital-services-act**> accessed 12 December 2025.

[121] See Article 66(1) DSA.

[122] Participants 1, 2, 7, 9 and 11; interviews 6, 11, 12 and 14; Workshop 1.

[123] Interviewees 5 and 9 mentioned this.

[124] Deirdre Curtin, 'Transparency and Political Participation in EU Governance: A Role for Civil Society?' (1999) 3 *Cultural Values* 445, 460, suggesting that an assertive approach challenging EU institutions' information policies may be viewed through a participatory lens.

[125] European Ombudsman, 'Commission should analyse risk assessment report of social media firm X for possible

the Commission to be more transparent about enforcement, a concern for many of our participants.

Public & media advocacy

Finally, several participants from different backgrounds and types of organisation described advocacy in broader public debates, especially through media coverage, as an important strategy to influence both VLOPs and regulators. Indeed, some participants suggested that these actors rarely listened to civil society input without (threats of) negative media coverage.[126] In particular, organisations which were less active or well-connected in EU-level digital policy and whose advocacy focused on Member State-level politics said that press coverage was essential to attract policymakers' attention. An illustrative quote in this respect is:

> 'From my experience, it was always like, the more confrontative you are, like, the more response you get […] bad media, like, all pressure through media, like activating some channels, and they get to you.'[127]

For more well-connected digital rights NGOs which enjoy more access to EU policymakers, media coverage plays a different but also important role. In public media advocacy, they can take more confrontational or critical stances towards regulators, compared to the more collaborative dynamics promoted by closed-door consultation events. This is not only important as a way of influencing regulators' decisions; participants also attached importance to media criticism as a way to reinforce and demonstrate their own independence[128] (which, as discussed above under *Research*, is important for the legitimacy and authority of civil society participation).

However, media advocacy does not always take this more combative and critical form. As well as using negative coverage to create reputational pressure, participants also described simply trying to bring underappreciated issues to the attention of policymakers or the public.[129] Others described media advocacy as having a more educational role, focused on informing people about issues and promoting certain narratives and framings.[130] A journalist participant framed her role in terms of mediating between different audiences with different perspectives and types of expertise: for example, helping digital policy experts understand the more personal, experiential impacts of systemic risks, and conversely, helping the general public understand more technical aspects of platform regulation.[131] These kinds of discursive, meaning-making processes may be particularly important in this regulatory context. Since Articles 34-35 are so open to different

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disclosure, says Ombudswoman' (5 November 2025) <**https://www.ombudsman.europa.eu/en/news-document/en/214615**> accessed 12 December 2025.

[126] Participants 11 and 14.

[127] Participant 14.

[128] Participants 1 and 9.

[129] Participants 11 and 4.

[130] Participants 4 and 12.

[131] Participant 12.

interpretations, how they will be applied in practice depends to a significant extent on which kinds of shared understandings of risk become widely accepted.[132] In this regard, CSOs and individuals who have connections across different fields of policymaking, research, industry and activism are often well placed to 'translate' between different groups' perspectives, and thereby to bring more diverse types of information, evidence and points of view into regulatory debates around systemic risks.

CROSS-CUTTING THEMES & STRATEGIC CONSIDERATIONS

To conclude this section, we highlight three recurring themes from the focus group discussions, which are relevant to multiple participation mechanisms: the timing of participation, the tension between 'insider' and 'outsider' strategies, and building coalitions with other civil society actors. These are all important considerations shaping civil society actors' broader advocacy strategies, in terms of how they choose between and combine different mechanisms.[133]

Timing of advocacy

The DSA is still at a relatively early stage of implementation. The relevant provisions became applicable to VLOPs in 2023 and three rounds of risk assessment reports have so far been published.[134] Mechanisms for independent researchers to access VLOPs' internal data are only now starting to become available.[135] Focus group participants generally agreed that the usefulness of many participation mechanisms was still quite uncertain. This is relevant when evaluating the findings of this report, which should be understood as preliminary and open to change, since the norms and procedures shaping DSA systemic risk management are still evolving.

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[132] Griffin, 'Stakeholder Mapping' (n 17).

[133] Of course, these strategic choices are also influenced and constrained by civil society actors' capacities, expertise, social capital, and material resources. These constraints and inequalities between civil society actors are analysed in detail below in section 3.

[134] An overview of all published reports is available at European Commission, 'How the Digital Services Act enhances transparency online' (22 January 2026) <**https://digital-strategy.ec.europa.eu/en/policies/dsa-brings-transparency**> accessed 2 February 2026. Note that not all documentation relating to internal risk assessment processes is made public. VLOPs must have their risk assessments audited within a year after conducting them and submitting them to the Commission, and must then publish a report on the risk assessments together with the auditors' report on their conclusions: see Article 42(4) DSA. However, statements from our study participants and comments at the workshops in which we participated suggest that these reports are widely viewed as not particularly informative.

[135] A delegated act setting out detailed rules and procedures for the implementation of Article 40 DSA on research data access was adopted in July 2025 and came into force in October 2025 (i.e. after our focus group in April 2025): Commission Delegated Regulation (EU) of 1.7.2025 supplementing Regulation (EU) 2022/2065 of the European Parliament and of the Council by laying down the technical conditions and procedures under which providers of very large online platforms and of very large online search engines are to share data with vetted researchers (Text with EEA relevance). For background see LK Seiling, Jakob Ohme, Ulrike Klinger & Claes H. de Vreese, 'Time To Deliver: Stakeholder Roles in the EU's Delegated Act on Data Access' (*Tech Policy Press,* 10 July 2025) <**https://www.techpolicy.press/time-to-deliver-stakeholder-roles-in-the-eus-delegated-act-on-data-access/**> accessed 12 December 2025.

However, exactly because of this ongoing uncertainty, some participants considered that it is a particularly important time for civil society to engage with systemic risk management. While there is still no settled consensus about how risks should be defined, prioritised and mitigated, there is more space for civil society advocacy to meaningfully influence how VLOPs and regulators approach these questions:

> 'I feel also that this is the moment, where [...] anyone can interpret these provisions in whatever way they want and complain about whatever they want and say it's a problem under these systemic risk management provisions [...] I feel like at this stage, nothing is clear at all, and everyone can put forward their interpretation.'[136]

> 'We do believe that right now, there is still space to influence what we actually understand by all those notions that have not been defined in the DSA. So, like 'systemic risk', or what fundamental rights risks are there…Like all those notions, they are pretty vague at the moment [...] right now is the time where we do have a chance to sort of influence it a little bit.'[137]

> 'The term "systemic risks", it's being defined now, and we want to be part of that conversation.'[138]

Another important contextual factor mentioned by some participants was the current political landscape in the US under the second Trump administration.[139] For example, as the US 'big tech' companies which own several leading VLOPs seem increasingly disinclined to listen to civil society advocacy, this influenced some participants and their organisations to engage less with VLOPs and more with regulators, or to pursue more confrontational strategies like litigation instead of more collaborative strategies like meetings with platform staff. Current developments in EU politics – such as ongoing debates around whether digital technologies are under- or overregulated,[140] the entanglement of platform regulation in broader EU-US trade disputes,[141] and recent US sanctions on individuals from European CSOs working on platform regulation[142] – have further heightened uncertainty around how regulatory agencies will interpret and

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[136] Participant 1.

[137] Participant 11.

[138] Interview 4. Interviewees 10, 11, 19 and 21 expressed a similar idea to that of these quotes; interviewee 16 made a similar point about the concept of systemic risk under the AI Act.

[139] A detailed engagement with these political trends is outside the scope of this report, but for some background see Julie Cohen, 'Oligarchy, State & Cryptopia' (2025) SSRN <**https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5171050**> accessed 14 March 2025.

[140] Hannah Ruschemeier, 'The De-Regulatory Turn of the EU Commission' (*Verfassungsblog*, 18 February 2025) <**https://verfassungsblog.de/the-de-regulatory-turn-of-the-eu-commission/**> accessed 7 March 2025

[141] Alice Hancock, Paola Tamma & James Politi, 'EU push to protect digital rules holds up trade statement with US' (*Financial Times*, 17 August 2025) <**https://www.ft.com/content/3f67b6ca-7259-4612-8e51-12b497128552**> accessed 21 August 2025.

[142] Aitor Hernández-Morales, 'US Sanctions Former EU Commissioner and Four Europeans over Efforts to Curb Online Hate Speech' (POLITICO, 24 December 2025) <**https://www.politico.eu/article/us-sanctions-former-eu-commissioner-thierry-breton-for-curbing-online-hate-speech**/> accessed 26 December 2025.

implement the DSA.[143] This is another reason that it might now be seen as a particularly critical time for civil society actors to advocate for more robust oversight and enforcement of the DSA in general, as well as for their particular policy priorities.

Insider and outsider strategies

Many participants described feeling a tension and/or pressure to choose between 'insider' strategies, based on collaborative relationships with VLOPs and/or regulators, and 'outsider' strategies, where they assume a 'watchdog' role, scrutinising and criticising these actors' choices.[144] Importantly, organisations not only have different opinions on this issue, but also face different constraints and opportunities. Relatively few well-connected and specialist organisations have sufficient access to policymakers to effectively exercise influence through 'insider' relationships.

For organisations which do have such connections, pursuing friendly and collaborative relationships with EU regulatory agencies generally, and with personal contacts working at such agencies, may be seen as the most effective way to meaningfully influence how they approach DSA enforcement (and thus also, indirectly, to influence how VLOPs approach risk management).[145] However some of these well-connected participants also expressed concerns about 'optics' and about undermining their own perceived independence and legitimacy by getting too close to public authorities.[146] As one interviewed participant stated:[147]

> '[The DSA] concretely mentions civil society as one of the actors involved in enforcement, which is fantastic in many ways [...] But it also means that by being directly involved in this ecosystem, it's a little bit harder for civil society to step back and be critical [...] The Commission has a certain expectation of conduct towards us, and this is not explicit, of course, and I really don't mean to say that they have any harmful or inappropriate intentions [...] Broadly, I would say that to partake in DSA enforcement in a productive way undermines the ability of civil society to be more critical and hold the Commission accountable. And that's, I think, something that a lot of us are struggling with right now and try to reckon with.'

Concerns about independence and legitimacy are especially acute because

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[143] Jan-Ole Harfst, Tobias Mast & Wolfgang Schulz, 'Independence as a Desideratum DSA Enforcement by the EU Commission' (*Verfassungsblog*, 16 July 2025) <**https://verfassungsblog.de/dsa-enforcement-commission/**> accessed 12 December 2025. For civil society actors, however, this may not change their monitoring and research work regarding platforms. For example, interviewee 8 – an academic researcher in a research institute with significant ties with the European regulator – noted that, at the time of the interview (May 2025), nothing had changed and they continued performing their research and monitoring functions in the same way.

[144] Participants 1, 7 and 9; interviews 1, 6 and 13.

[145] Participant 1 (from an international freedom of expression NGO) noted that outside of Europe, and specifically in countries with authoritarian governments, the converse may be true: where building collaborative relationships with governments is not seen as viable or politically acceptable, pursuing more collaborative 'insider' relationships with platform companies may be the best way to defend users' rights.

[146] Participants 1 and 7; interview 8.

[147] Interview 13.

many civil society actors have concerns about regulatory agencies interpreting the DSA in ways that are overtly politicised, or excessively focused on restricting harmful content at the expense of freedom of expression.[148] In this context, even digital rights organisations with good connections at the Commission expressed that they still sometimes wanted to take a more 'outsider' strategy and criticise it freely.[149]

In contrast, for organisations which are less well-connected in the DSA expert community, pursuing close 'insider' relationships with the Commission or combining insider and outsider strategies may not be an option. Gaining access to and influence over regulators requires connections, time, money, and legal and technical knowledge; it may also require CSOs to adapt how they present their work.[150] This was one reason some participants focused more on lobbying policymakers and legislators at the national level, where it was easier to attract attention and gain access.[151] Other participants chose to sometimes pursue more 'outsider' strategies, for example trying to influence regulators through public criticism in the media.[152]

However, some of these participants suggested that, if they could gain more access to policymakers, 'insider' strategies might be more advantageous. For example, a representative of a content moderator's union noted that they personally had little familiarity with the DSA, and that representatives of moderators do not tend to be invited to relevant consultations and discussions – even though they are not only directly affected by laws like the DSA, but also have specialist knowledge on how platform governance actually works in practice, which many other experts may lack. Other less well-connected participants and representatives of grassroots organisations expressed similar sentiments. These participants suggested that access to more formal, institutional participation spaces would not only give them a 'voice' and the opportunity to articulate their perspectives, but could also give them 'validity' and encourage regulators, companies and other experts to take their perspectives seriously, as well as helping them connect with other CSOs.[153]

Overall, then, this perspective contrasts with that of more specialised and well-connected digital rights organisations. For the latter, 'insider' strategies based on professional networks and access to elite spaces may be an effective way of exercising influence, but can undermine their legitimacy by compromising their (actual or perceived) independence. For CSOs with less resources and social capital, the reverse may be true. One reason their perspectives are often overlooked is that a lack of connections in elite policy and industry circles means

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[148] Access Now and others, 'Civil society open letter' (n 73).

[149] Participants 1 and 9.

[150] Participants 4, 5 and 8; interviews 2, 3, 7, 14, 15, 19.

[151] Participants 11 and 13.

[152] Participants 1, 3, 9, 11, 13, and 14; see also table in separate document accompanying this report. However, participant 3 noted that, to them, public criticism was not being, currently, as effective as before.

[153] The direct quotes are from participant 13. The broader point was a general agreement between participants in the workshop who were less well-connected and had less access to EU level collaborative participation spaces. It was also mentioned in interviews 2, 3, 4, 7, 11, 14, 15 and 17.

they are seen as irrelevant. Consequently, gaining access to more 'insider' forms of advocacy may help them to be accepted as authoritative experts and legitimate participants in policy debates.

Coalition building

Finally, many participants discussed the advantages and disadvantages of collaborating and coordinating with other civil society actors. In general, CSOs which are more engaged in and knowledgeable about the DSA tend to value such coordination, considering it important to maximise the chances of influencing VLOPs and regulators, as well as attracting media coverage and shaping broader public discourse.[154] This approach is typified by EDRi, an umbrella organisation representing a network of 58 NGOs.[155] As described by an EDRi representative in our focus group, a key goal of their work is to amplify the visibility and influence of their individual members' research and advocacy.[156]

Participants also suggested that coordination is particularly important to pool informational resources,[157] and discussed the importance of staying aware of what other organisations are working on, which could be relevant for their own strategic choices. For example, collaborating directly with other organisations, working on similar topics, or attracting other organisations' support for one's own priority topics could all be ways to strengthen advocacy for a given cause.[158] Conversely, CSOs might also strategically choose to allocate limited resources to *different* topics from other organisations, to avoid duplicating existing efforts.[159] Finally, one interviewee suggested that coalitions allow civil society actors from different member states to exchange knowledge, enabling a more European perspective on platform regulation.[160]

Coalition building also emerged as one important way that less well-resourced and well-connected actors could overcome some of the difficulties in accessing participation mechanisms described above.[161] Coordinating with other organisations enabled them to access more resources and specialist expertise, and to build social capital within wider expert communities. For example, participants suggested that collaborating with established digital rights organisations could help organisations that are not specialised in platform regulation to navigate policy issues related to DSA enforcement (indeed, even for participants working in specialist digital rights organisations, learning from other

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[154] For example, open letters signed by large coalitions of digital rights organisations, freedom of expression organisations and/or academic researchers have been a common feature of policy debates around the DSA and its enforcement.

[155] Some of these are 'members' of EDRi, while others have 'observer' or 'affiliate' status. See EDRi, 'Our Network' (August 2025) <**https://edri.org/about-us/our-network/**> accessed 12 December 2025.

[156] A similar idea was expressed by participants 1 and 4 and interviewees 9, 12, 16, 18 and 19, referring the DSA Civil Society Coordination Group as well.

[157] This was an overall conclusion of the workshop participants, mentioned also in interviews 3, 7, 8, 9, 12, 16, 18 and 19.

[158] Participants 1, 3, 7, 9; interviews 3, 4, 7, 9, 13 and 16.

[159] Participants 2, 9; interviews 9, 11, 12 and 18.

[160] Interview 12.

[161] Participants 3, 8, 11, 13; interviews 2, 3, 4, 7, 19.

experts was described as an important way to save time and resources).[162] Building relationships with prominent digital rights CSOs could also help less well-connected organisations gain access to EU policymakers.[163]

However, participants also discussed some disadvantages of coalition building. Some of the participants who are most specialised and engaged in DSA-related topics suggested the importance attached to coordination creates a pressure to participate in meetings, coalitions and shared projects beyond what they actually found useful, costing time and resources that could be better used elsewhere.[164] On the other hand, another interviewee disagreed with this idea:

'I'm not sure if I fully agree with the sentiment there. I mean, yes, there are sometimes quite a lot of meetings, I think. We have formed individual, small-scale, informal collaborations based on discussions held during those larger meetings. That's how we know who is working on what and which organisations are worth talking to [...] I think this [multiplication of meetings] may just be a "necessary evil" to make that kind of organisation work. I don't think that's better than all of us going off and trying to do our things, particularly as that would end up with the risk of it being quite nationally focused."[165]

Another interviewee was more equivocal, describing coalitions as helpful, but also noting that CSOs might be under pressure from funders to participate beyond what is necessary:

'I mean, I completely understand people's frustrations. I also think I'm spending way too much of my time in coalition calls [...] On the other hand, I think while we're all dispersed and working in different places, we need these conversations to understand what people are working on [...] understand people's capacities and find out about things […] there's also an expectation from funders that organisations attend these meetings, that they join these coalitions. And I think that needs to be questioned in serious ways […] it obviously always sounds good, right? Civil society collaboration sounds fantastic. But the practice, yeah…is just very different. So I have an issue with implicit expectations from the field that we all have to come together in all these different coalitions and fora to exchange views. I think that is going overboard, but I think [...] these coalitions are still helpful to also understand the boundaries of the work we can do together and to understand how people stand on these issues.'[166]

Some participants also suggested that coalition building could have more subtle impacts, such as leading to a kind of 'groupthink' and homogenisation of different organisations' perspectives and priorities:

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[162] Participants 1, 7 and 19.

[163] Participants 3, 4, 5, 8, 11 and 13; interviews 2, 3, 4, 7 and 19.

[164] Participants 1, 2, 7 and 9; interview 13.

[165] Interview 12. Interviewee 18 expressed a similar idea.

[166] Interview 13.

'There seems to be…a consensus of where the important topics are, then everyone sort of jumps on that, or you start to repeat things that others say… that can be a bit to the detriment, I think, of diversity of opinions and analysis.'[167]

Participants identified two reasons such dynamics could be problematic. First, many policy issues within the scope of the systemic risk framework (including but not limited to the focus topic of our workshop, the regulation of online hate speech and harassment) are contested political topics, where there is no correct answer on how to interpret and balance different values (such as safety, equality, and freedom of speech) and where it is 'quite normal' that CSOs would have different views.[168] Thus, explicit calls for unified messaging, or frequent meetings between CSOs and other coordination mechanisms that implicitly encourage 'consensus of where the important topics are', may limit genuine public debate about how platforms should be regulated.

Second, such dynamics do not just decrease the overall diversity of public debate, but tend to exclude some perspectives more than others. As another participant highlighted, drawing a comparison with the original context of coalitions between political parties, coalitions are not just about collaborating on shared objectives: parties are rarely equal in their political strength, they tend to have overlapping but essentially different political ideologies and political agendas, and the goals and strategies that the coalition ultimately pursues will depend on internal power imbalances.[169] In the DSA context, digital rights organisations with more resources, specialist expertise, and connections to policymakers are likely to be in the best position to set the agenda for civil society discussions and formal coalitions; without discounting the value of their expertise and perspectives, this may lead to a corresponding underrepresentation of other groups.[170]

Overall, then, the emphasis on 'unified' messaging as a means of strengthening civil society influence should not be seen as an unqualified positive, but as a strategy with both advantages and costs. As one way of navigating these concerns, many participants expressed a preference for smaller, more time-limited coalitions set up to pursue concrete goals and particular issues, as opposed to more open-ended and generalised discussions between numerous participants, which some suggested were more time-consuming, less impactful and more likely to lead to 'groupthink' dynamics. On the other hand, some participants noted that some engagement with larger, less focused discussion

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[167] Participant 1. Participants 6 and 7 expressed a similar idea. Interviewees 9 and 14 pointed to a similar risk of platforms or regulators seeing CSOs as a monolithic group, despite their different profiles, priorities, backgrounds and levels of expertise, which could in turn lead to some issues being overemphasised based on the advocacy strength of better-resourced organisations.

[168] This idea was expressed by participant 6, with several other workshop participants nodding. Participants 1 and 7 and interviewees 12 and 13 expressed similar ideas.

[169] Participant 13.

[170] Some participants in the former group showed an awareness of this fact, claiming that they try to include more diverse voices in coalitions in which they participate: participants 1, 2, 9; interview 9, 12, 18.

3. BARRIERS AND INEQUALITIES AFFECTING MEANINGFUL PARTICIPATION IN THE DSA

fora could be necessary to get a sense of what other relevant organisations were working on, which could then be the basis for smaller, more focused coalitions.[171]

Participants identified many structural and practical conditions which limited their ability to meaningfully participate in DSA systemic risk management. In this section, we present an overview of these barriers, with a focus on inequalities of participation: that is, how do they impede equal and inclusive participation in DSA implementation and regulatory dialogue by different civil society actors, representing different types of stakeholder groups? Drawing on the theory of participatory justice developed by political philosopher Nancy Fraser, we divide the barriers mentioned by participants in three groups: first, distributional injustice, meaning material inequalities of resources between civil society actors; second, representational injustice, i.e., failures to consider some civil society actors as relevant and include them in participatory spaces; and third, injustices of recognition, referring to failures to recognise perspectives, concerns, and proposals articulated by some actors even when they do participate.

To be clear, we are not arguing that following participatory justice principles offers a silver bullet or a comprehensive guide for good civil society participation. Instead, we adapt Fraser's theoretical framework as an analytical tool that helps us understand how civil society participation in DSA systemic risk management looks at the moment, and to identify manifestations of injustice that affect who has access to participatory spaces and how discussions play out within these spaces. As we show, the overall result is that different civil society actors have very unequal capabilities and opportunities to influence the implementation of the DSA systemic risk framework. This in turn suggests that its implementation may overlook important platform-related harms and the perspectives of affected stakeholder groups.

PARTICIPATORY JUSTICE

Fraser's theory of justice is based on the idea of 'parity of participation' in social and political life.[172] Participatory parity refers not to the abstract right of everyone to participate in the political life of a community, but to the actual capability and opportunity to do so, which can be impeded by different types of social inequality and hierarchy.[173] To Fraser, participatory parity is the core of justice because

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[171] Participants 2, 9, 14; interviews 1, 12 and 13.

[172] Nancy Fraser, *Scales of Justice: Reimagining Political Space in a Globalizing World* (Polity 2008), 145.

[173] Fraser (n 172), 145-146; Hartmut Rosa, '(Parity of) Participation – The Missing Link Between Resources and Resonance', in Banu Bargu & Chiara Bottici (eds), *Feminism, Capitalism, and Critique: Essays in Honor of Nancy Fraser*

there is no one valid idea of the 'good life', and imposing external standards of justice on a community will necessarily exclude certain perspectives.[174] Instead, what justice demands in particular contexts (such as, in this case, platform regulation) should be co-determined by all members of a community. This requires conditions in which everyone is equally able to participate as an equal in these political processes. Participatory parity then helps us to identify existing *injustices* in terms of 'institutionalised obstacles to parity of participation in social life' that deprive some people and groups the opportunity to participate in determining social arrangements.[175] Fraser identifies three components of participatory parity: distribution, representation and recognition.[176]

Although Fraser's theory of justice is not limited to government and policymaking contexts, we adapt this tripartite framework to analyse barriers to parity of participation in policy processes, discussions and decisions related to DSA systemic risk management. Below, we detail how we understand each of the three components of participatory justice in this particular context, and what kinds of *injustice* our participants identified in each area. We should note that some of the injustices described below involve interactions between the three different pillars of the participatory justice framework. For example, exclusion of a civil society actor from a given participatory space may be due to both distributional and representational issues, which may also mutually reinforce one another, as lack of funding and resources makes it harder to build a reputation and professional network, and vice versa.[177] However, to facilitate the communication and reading of our findings, we here discuss each issue we identify within one sub-section – distribution, representation, or recognition – depending on which type of injustice appears most predominant.

Distribution: the objective means to speak and be heard

Distribution refers to whether people have the material resources that are necessary to participate in political processes on equal terms with others.[178] This is a common limitation to participatory initiatives everywhere, pointed out by civil society and scholars alike: put simply, inequalities of wealth and funding translate into unequal political influence.[179] However, in line with previous participation

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(Springer International Publishing 2017), 159.

[174] The 'good life' is a political philosophy concept concerning the definition of what it means for the members of a political community to live a life of happiness and fulfilment: Ronald Dworkin, *Justice for Hedgehogs* (Harvard University Press 2011), 13; Martijn W. Hesselink, *Justifying Contract in Europe: Political Philosophies of European Contract Law* (OUP 2021), 33-35. Different strands of political philosophy have different conceptions of 'the good life'. Fraser, like many critical social theorists, avoids defining this concept substantively. Instead, she thinks - through participatory parity - about ways to ensure that all participants of a polity, in conditions of material and social equality, are able to co-determine what 'the good life' means.

[175] Fraser (n 172), 145; Nancy Fraser, 'Heterosexism, Misrecognition, and Capitalism: A Response to Judith Butler' (1997) *Social Text*, 282-283.

[176] Fraser (n 172), 146-147; Rosa (n 173), 160.

[177] Nancy Fraser, *Justice Interruptus: Critical Reflections on the 'Postsocialist' Condition* (Routledge 1997) 4–6, 12–13, 15–16, 19–23; Nancy Fraser and Axel Honneth, *Redistribution or Recognition? A Political-Philosophical Exchange* (Verso 2003), 19–26, 49, 216–218.

[178] Fraser and Honneth (n 177), 49; Rosa (n 173), 160; Fraser (n 177), 13-15.

[179] Lee and others (n 17).

literature and the statements of several participants in our study, we understand 'material resources' as broader than just money, encompassing other material constraints such as time; location and travel requirements; (access to) legal or technological expertise; and other technical capabilities, knowledge and skills required to participate, such as language.[180]

Many participants highlighted funding as an obvious limitation on civil society's capacity to participate in DSA governance. While this was most often mentioned by activists, representatives of grassroots organisations and/or minority rights NGOs, even well-connected specialist organisations struggle with capacity limitations, and even the best-funded CSOs have vastly less resources available for DSA-related projects than the VLOPs they are meant to be challenging and scrutinising. Funding constraints limit civil society actors' ability to scrutinise VLOPs, attend relevant events, and produce the types of contributions and evidence that regulators find persuasive.[181] Several individual researchers also described funding issues, which limited the depth of existing studies, their freedom to investigate certain overlooked issues, as well as the ability to pursue more exploratory research into platform-related harms.[182]

Most NGOs in this field rely on private funding (public funding streams are not just scarce but highly bureaucratised, and therefore unappealing and hard to access[183]). This means that access to funding also influences what priorities are set, where resources are allocated, and how their impact is assessed. As one workshop participant from a well-connected freedom of speech NGO stated, with most participants nodding in agreement:

> 'I also think the role of funders is actually big in everything we've discussed today […] some of my colleagues, internally, [say] "Oh, I don't engage with the platforms any more because I need to report also to funders and I don't see an impact." So not just "impact", as in, did I make a human rights impact on my engagement with the platforms, but more so regarding what I was able to report back to funders. Or, again, "what's the hot topic"...I don't know, maybe the funders now want us to look into generative AI and DSA. They're going to decide that we have to do that […] the reality, from capacity constraints to how the agenda is set, what

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[180] E.g., Sherry R Arnstein, 'A Ladder of Citizen Participation' (2019) 85 *Journal of the American Planning Association* 24, 31; Michele Gilman, 'Beyond Window Dressing: Public Participation for Marginalized Communities in the Datafied Society' (2022) 91 *Fordham Law Review* 503, 529-531; Laura Landorff, 'Who Gets a Seat at the Table? Civil Society Incumbents and Challengers in the European Parliament's Consultations' in Håkan Johansson and Anna Meeuwisse (eds), *Civil Society Elites: Exploring the Composition, Reproduction, Integration, and Contestation of Civil Society Actors at the Top* (Springer International Publishing 2024), 293-294; Barthélémy Michalon, 'The Role of Civil Society Organisations in Co-Regulating Online Hate Speech in the EU: A Bounded Empowerment' (2025) 14 Internet Policy Review <**https://policyreview.info/articles/analysis/co-regulating-online-hate-speech**> accessed 2 July 2025, 21. In addition, cf. *Section 2.*

[181] Participants 1, 6, 7, 8, 9, 14; interviews 1, 2, 7, 9, 11, 12, 13, 18 and 19. This structural lack of funding is not specific to the DSA civil society space but reflects broader trends across European civil society in general, related to a decrease in US funding as well as hostility towards civil society advocacy from European right-wing and far-right groups and politicians: see Barbora Bukovská & Mark Dempsey, 'Civil Society Is the Democracy Shield Europe Can't Ignore' (*Tech Policy Press*, 23 October 2025) <**https://techpolicy.press/civil-society-is-the-democracy-shield-europe-cant-ignore**> accessed 23 December 2025.

[182] Participants 5, 6 and 14; interviews 6, 8 and 10.

[183] Interviews 7, 9, 11, 12 and 14.

priorities are set…we can't pretend that we're totally independent in what drives our own priorities.'[184]

Other participants noted that there is little funding for digital literacy and education initiatives that would help inform the general public, activists, and non-digital NGOs about the implications of the DSA and/or the technicalities needed to participate in EU-level spaces.[185] Similarly, one interviewee said that organising participatory events such as hackathons or workshops with users and other affected communities is 'resource-intensive' and that funding for these initiatives is hard to come by.[186]

In light of funding constraints, coalition-building and networking can be a way to coordinate and pool material and human resources.[187] However, some participants argued that coalition building can be subject to similar dynamics, where reliance on private funding limits organisations' freedom to set their own priorities. Due to the DSA's high profile, funders may push for the creation of new advocacy coalitions, which can lead to the establishment of coalitions that duplicate each other's efforts,[188] or, conversely, to:

> '…a situation where the same funder funds two different coalitions that work on positions that are opposed to each other, which also happens, and that's very, very frustrating. And I think also it got so complicated and convoluted in this particular DSA space, that even funders lose track of what they're actually funding.'[189]

Material inequalities reported by participants did not only relate to money, but also to human resources, capacities and access to physical spaces. Indeed, these are all related: funding constraints inevitably limit the time and/or personnel that organisations can allocate to DSA-related projects.[190] Even where organisations can allocate staff time to a particular project, they may lack legal or technical expertise or other resources and capacities that would facilitate effective participation.[191] These factors can also limit CSOs' ability to present their work in a way that regulators find relevant and convincing.[192] Finally, many formal consultations and workshops, as well as conferences and other networking opportunities, take place in Brussels or nearby countries in western Europe, making it more difficult and/or expensive for organisations located in eastern or

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[184] Participant 1. Interviewee 21 expressed a similar idea.

[185] Interviews 7, 10, and 15.

[186] Interview 12; other participants expressed similar ideas, namely interviewees 10 and 20.

[187] Interviews 2, 3, 7, 14 and 19; participants 1 and 7.

[188] Participants 1 and 9.

[189] Participant 9, with participants 1, 2 and 7 nodding and humming in agreement.

[190] Interviews 3, 7, 14, 15 and 21. In Workshop 1, several participants involved in the development of the AIA code of practice on systemic risk management stated that they had little time to read through all necessary documents and prepare their own contributions before each feedback round.

[191] Participants 1, 4, 5, 8 and 14; interviews 3, 7, 19, 18 and 21.

[192] Participant 14; interviews 3, 7, 9 and 13.

southern European countries to participate. Such events also tend to be in English, which can be a further barrier for some civil society actors.[193]

All in all, our participants' experiences suggest that – as in many other policy fields – the landscape of civil society participation in the DSA is rife with distributive inequalities. These inequalities are particularly acute for individual researchers and activists, organisations which have fewer connections with large funders and policymakers, and those that work more closely with affected communities. These actors tend to have less access to funding and experience a substantial 'distance' or 'gap' from EU-level spaces of participation related to DSA systemic risk management.[194] As we discuss further below under *Representation,* such distance is not purely due to funding and material constraints, but it cannot be fully understood without taking into account the unequal resources available to different civil society actors. Many participants who would (potentially) be interested in engaging with DSA enforcement lack the objective means to do so, whether by attending relevant events; pursuing advocacy strategies that effectively communicate their concerns and convince regulators and companies to take their perspectives seriously; or freely choosing which systemic risk-related issues they want to work on.

Representation: not all speak

A second dimension of participatory justice is representation. Fraser states that representation relates to 'newly salient questions about the (in)justice of boundaries and frames' that determine who is even considered as entitled to be treated justly in a given context.[195] We here use the concept of representation to refer to injustices related to inclusion and exclusion from participatory spaces, which affect whether actors can meaningfully express their views on DSA systemic risk management. Representation and distribution are closely related and cannot always be sharply distinguished,[196] since having more material resources will generally make it easier for civil society actors to access participatory spaces and connect with other influential actors (for example, by covering the costs of travel, or by acquiring qualifications and expertise that others take seriously). However, as well as material constraints, participatory spaces tend to have both formal and implicit requirements for individuals and organisations to be included.[197] Implicit ideas about who is a relevant or legitimate 'participant' in policy discussions can also effectively limit some actors' ability to participate.

For example, DSA provisions like Recital 90 (instructing VLOPs to consult with

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[193] Interviews 2, 3, 7, 10, 14 and 15.

[194] The idea of a distance or a gap between some civil society and EU governance was used by several participants, such as participants 5, 8 and 13, and interviews 2, 3, 7 and 17. Further empirical exploration would be needed here, but the DSA civil society space does not seem unique in this respect, and some participants - participants 4, 8 and interviewees 7, 14, 15 - seemed to refer to a distance to EU law enforcement and policymaking in general.

[195] Fraser (n 172), 146-147.

[196] On this point see Fraser (n 175), 279.

[197] Winter (n 23), 24.

'independent experts and civil society organisations' in risk assessments) or Recital 137 (instructing the Commission to consult with 'experts with specific expertise' [sic] on enforcement against VLOPs) could serve as a basis to demand more inclusion of civil society in regulatory compliance and enforcement processes. However, they also imply certain criteria as to who can legitimately participate in these processes: in particular, depending on who is considered to be an 'expert',[198] but also perhaps who is even considered to be a member of 'civil society' at all.[199] For example, can a civil society actor be considered an 'expert' if they have knowledge based on lived experience about how they and others experience platform-related harms, or does this rather imply legal, technical and professional expertise?[200]

Often, how concepts like 'experts' are interpreted is determined less by formal criteria, and more by unspoken assumptions about what constitutes relevant 'expertise', who is perceived as an 'expert', and what kind of participants one generally expects to see in these policy spaces.[201] In the DSA context, participatory spaces such as consultation events, workshops and meetings are often rather informally organised, or even if they are more formal, invitations are largely at the discretion of regulatory agencies or VLOPs. As a result, capabilities and opportunities to influence systemic risk management are shaped by regulatory agencies' and VLOPs' assumptions about what 'civil society' is (or should be), and whose voices are relevant.[202] These ideas may exclude some civil society actors who are interested in DSA implementation and whose research and advocacy work could be valuable.

Another key factor highlighted by participants in our study is the social capital of different civil society actors, i.e. relationships with other actors who may be able to share knowledge and resources and facilitate access to participatory spaces. As one academic researcher put it in an interview, there seems to be a 'privileged network of stakeholders'[203] that both regulators and VLOPs tend to reach out to when seeking civil society input. These privileged stakeholders are, above all, specialist digital rights or freedom of expression organisations – often based in Brussels or other nearby locations in western Europe – whose staff have strong personal relationships with regulators and/or VLOP employees (sometimes established through previous professional experience working at those

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[198] Annabelle Littoz-Monnet, 'Studying the Assembling of Expertise in Global Governance' in Negar Mansouri & Daniel Quiroga-Villamarin, *Ways of Seeing International Organisations New Perspectives for International Institutional Law*.

[199] For example, in policy discussions around the DSA, 'civil society' often seems to be used to refer to professionalised NGOs, excluding other civil society actors such as trade unions: Griffin, 'Stakeholder Mapping' (n 17).

[200] Carvalho, 'It will be what we want it to be' (n 8); Margot E. Kaminski & Gianclaudio Malgieri, 'Impacted Stakeholder Participation in AI and Data Governance' (2024) 27 *Yale Journal of Law & Technology* 247.

[201] Littoz-Monnet (n 198).

[202] Interviews 9, 17, 18 and 19. Interviewee 19 argues that, due to enforcement needs, the Commission may prioritise the submissions of civil society actors who are seen to possess relevant technical and legal expertise; similarly, interviewee 13 said that their organisation rarely relies on reports of lived negative impacts of content moderation experienced by users in an 'enforcement context' related to systemic risk management, since the Commission is looking for 'robust, well-documented evidence of systemic non-compliance'. At best, these lived experiences can be used in direct exchanges with platforms aimed at achieving concrete individual content moderation outcomes, such as contesting a specific content removal or account closure decision.

[203] Interview 11. Interviewees 2 and 10 expressed a very similar idea.

regulators and companies).[204] As one representative of a digital rights NGO put it, referring to a DSA-focused civil society coalition organised by another prominent digital rights NGO, the Center for Democracy and Technology:

> 'When we're talking about what is the civil society in the [DSA] space, it seems like, you know, if they're not part of the CDT Coordination Group, they're not existing [...] these open letters, these big policy statements, these stakeholder meetings, it's all like a "who's who" of people who were in that kind of bubble.'[205]

These kinds of organisations can easily contact VLOPs – 'they all know us, they have our e-mail addresses' – to informally exchange information and set up meetings.[206] They also tend to be kept in the loop by regulators about formal participation channels, such as consultations and workshops, or even invited to make submissions.[207] The same applies to some academic researchers and journalists who have a strong professional reputation and have built a rapport with VLOPs and regulators.[208] Participants often repeated that these better-connected civil society actors are hardly representative of European civil society, but represent a narrow subset of more privileged CSOs and researchers.[209] Indeed, some participants and interviewees who categorised themselves within this more privileged group also acknowledged that their level of access to regulators and policymakers is atypical and that they cannot represent all civil society perspectives.[210]

While it is also not possible to comprehensively describe the diversity of the European civil society landscape here, we highlight three broad groups of actors whose perspectives, backgrounds and/or capacities differ from the better-connected specialist NGOs described above, and who our findings suggest tend to be excluded from participatory spaces at EU level.

First, researchers and organisations from peripheral EU member states[211] - namely, smaller southern European member states such as Greece, Portugal, or Malta, as well as from member states 'east of Vienna' and accession countries

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[204] Participant 1 and 9; interviews 1, 2, 8, 11, 12, 13, 15, 19. This was also mentioned several times in Workshop 1.

[205] Interview 1.

[206] Participants 1, 3 and 11; interviews 9, 11, 12, 13 and 18.

[207] Interviews 1, 11, 13, 16 and 19. In Workshop 1, some participants mentioned that the Commission often invites some organisations and researchers to make submissions in public consultations or apply to collaborate on developing codes of practice, such as the AIA code of practice on systemic risk management.

[208] Interviews 1, 2, 4, 5, 8, 10 and 11. This idea also tracks with both of our experiences, where we observe that academic researchers' access to consultations, multistakeholder workshops, or informal exchanges with regulators heavily depends on personal contacts as well as professional reputation.

[209] E.g., participant 1; interviews 1, 9, 11, 13, 14 and 15.

[210] Some workshop participants and interviewees who fit this profile (relatively high levels of resources and access to policymakers) also stated that they try, through civil society coalitions, to bring less privileged or excluded organisations into DSA enforcement discussions: e.g. participants 5, 8 or 13; interviews 4, 5, 7, 9, 11, 14, 18 and 19. This impression was corroborated in Workshop 1.

[211] Orlando-Salling (n 31).

implementing the DSA.[212] There are of course some exceptions to this trend, but some participants pointed out that organisations from outside wealthier 'core' northern and western European member states are underrepresented in policy discussions around the DSA.[213] One more well-connected researcher shared with us a telling anecdote:

> 'So civil society organisations of peripheral Member States, I don't know, I feel like those are dealing with, probably more local issues[...] after the Romanian elections, there was a group of Romanian civil society organisations that published an open letter where they were criticising basically, like the Romanian DSC, the Commission, for not enforcing the DSA properly and proactively. And they were criticising platforms, obviously as well [...] I read it, and I didn't recognise any of the names of the organisations. It was like 19 civil society organisations.'[214]

A second underrepresented type of actor is communities who (without necessarily being users of a given platform) are particularly affected by issues within the scope of the systemic risk framework, and their representative organisations, which often have a grassroots nature. Considering which communities are particularly affected by different types of systemic risk would require a careful, context-sensitive assessment. Taking our particular focus area as an example – hate speech, harassment, and online violence and its moderation in general – our participants mentioned some communities which could be considered particularly affected by or vulnerable to such risks. These include women, migrants and queer people,[215] as well as other socially disadvantaged minorities. Accordingly, relevant civil society actors in this space could include anti-racist, queer and feminist organisations and activists, and other social justice grassroots organisations. In addition, we would highlight moderation workers as another group whose interests (working conditions, pay, etc.) as well as their skills and knowledge (of platforms' moderation systems and labour processes) are necessarily implicated in any attempts to improve the moderation of online violence.[216]

Several participants suggested that the most prominent and visible research and advocacy in the platform regulation policy community often does not reflect the experiences and perspectives of these at-risk communities.[217] This is unsurprising, since they often comprise stigmatised, economically disadvantaged and/or politically marginalised social groups – who tend to lack

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[212] Participants 4 and 5; interviews 14 and 15; workshop 1.

[213] Participant 9; interviews 1, 10.

[214] Interview 1.

[215] Participants 1, 5, 8; interview 3, 7, 13 14, 17 and 18.

[216] These actors were also mentioned by interviewee 10 as being sidelined from the enforcement of DSA systemic risk management enforcement. This is true even where content moderation is largely automated, as research and reporting on the labour processes involved in (partially) automated content moderation makes clear: see e.g. Sana Ahmad & Maximilian Greb, 'Automating social media content moderation: implications for governance and labour discretion' (2022) 2(2) *Work in the Global Economy* 176 <**https://doi.org/10.1332/273241721X16647876031174**>; Cecilia D'Anastasio, 'AI Is Replacing Online Moderators, But It's Bad at the Job' (*Bloomberg*, 22 August 2025) <**https://www.bloomberg.com/news/features/2025-08-22/ai-is-replacing-online-moderators-but-it-s-bad-at-the-job**> accessed 25 August 2025.

[217] Participants 4, 5, 8 and 12; interviews 3, 7, 15, 17.

political influence generally, and to be underrepresented in NGOs, academia and other influential expert communities.[218] We stress that this is due to structural conditions and not to a lack of goodwill on the part of better-resourced and better-connected CSOs; several participants from more privileged organisations told us that they often try to reach out to affected communities and minority groups, especially when seeking to substantiate the existence of certain issues and harms.[219] Even where this is the case, however, specialist professional NGOs are typically 'one step removed' from the lived experiences of more marginalised communities. If the perspectives of disadvantaged groups must be mediated through the voices of more privileged actors with more social capital in order to be heard in EU policy discussions, this could result in their views being distorted or selectively filtered, in ways that reflect other organisations' policy agendas and preferences (which, as we discussed above, are in turn shaped by the preferences of their wealthy funders).

We therefore suggest there is a need for the perspectives and experiences of diverse affected communities to be directly present in participatory spaces related to DSA systemic risk management, which is generally not the case at present.[220] Importantly, this would require attention to the intersections between inequalities of distribution and representation. Inviting more grassroots organisations to participate in policy discussions, while essential, will not guarantee equal participation if these discussion fora do not also accommodate these organisations' resources, capacities and potential needs for support, as one participant in our study highlighted:

> **Interviewee 7:** 'There is a French expression that says: "*le ticket d'entrée est trop cher.*" I mean, participation in these spaces demands a lot of knowledge and legal competences that we do not have [...] But this is normal, we [grassroots organisations] do not have to have those competences. That is not our function, not our job, it never was. And we don't have the time or mental availability to acquire them now [...] In our coalition, we are privileged because we do have good partners with some knowledge of EU processes and bring it to our network [...] But that is not enough, because I think that regulators are asking us to provide testimony and evidence.'

> **Interviewer:** 'So, if I understand you correctly, you are saying that the dynamic should be the opposite. That it should be the regulator reaching out and looking for the perspectives of activists and organisations like yours?'

> **Interviewee 7:** 'Exactly, and to me, that should also be an obligation of the private companies."

Platform users have generally had more visibility in regulatory dialogue around DSA systemic risk management. Some VLOPs have stated that one form of stakeholder engagement they pursue is testing features with users (a common

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[218] Griffin, 'Stakeholder Mapping' (n 17).

[219] Participant 1, 4, 8, 9, 11; interviews 12, 13 and 18.

[220] This was generally agreed at our workshop, and was also mentioned in interview 1 and 15.

part of user experience/user interface design processes).[221] The Commission's enforcement actions and requests for information so far have particularly prioritised harms to users, especially underage users.[222] However, it is unclear to what extent this translates into more substantive participation processes where regulators and VLOPs reach out to different user communities in a structured way, give them opportunities to articulate their concerns and lived experiences, and thus enable them to contribute to co-determining relevant concepts, enforcement standards and policy priorities related to systemic risk management.[223]

Third and finally, participants described a lack of interest from EU institutions in engaging with CSOs and researchers from non-European and especially Global South countries.[224] Many CSOs from these jurisdictions are highly interested in participating in DSA enforcement and regulatory discussions, for various reasons. Content moderation for these countries may also be done in the EU[225] and/or may be impacted by how platforms implement the DSA.[226] The EU's approach to platform regulation and online freedom of speech may also influence other jurisdictions' regulatory standards.[227] It is therefore 'frustrating' to participants in this position that, when engaging with regulators, they are expected to justify why EU regulations impact them.[228] The assumption that these communities and stakeholders are generally not relevant or affected by the DSA may unjustly exclude them from participatory initiatives from the outset.

In an attempt to gain more access to and influence within policy discussions around the DSA, some CSOs in this category have formed a coalition, the Global

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[221] Workshop 2.

[222] Commission, 'Supervision' (n 2). Specifically, these actions have focused on the safety of child users, general user freedom of speech, transparency towards users, and, to a lesser extent, potential negative effects on users related to addictive platform features. See, e.g., European Commission, 'Commission Sends Request for Information to LinkedIn on Potentially Targeted Advertising Based on Sensitive Data under Digital Services Act' (14 March 2024) <**https://digital-strategy.ec.europa.eu/en/news/commission-sends-request-information-linkedin-potentially-targeted-advertising-based-sensitive-data**> accessed 25 September 2024; European Commission, 'Call for Evidence for an Initiative: Digital Services Act - Guidelines to Enforce the Protection of Minors Online' (25 September 2024) <**https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/14352-Protection-of-minors-guidelines_en**> accessed 25 September 2024; European Commission, 'Commission Sends Requests for Information to YouTube, Snapchat, and TikTok on Recommender Systems under the Digital Services Act' (2 October 2024) <**https://digital-strategy.ec.europa.eu/en/news/commission-sends-requests-information-youtube-snapchat-and-tiktok-recommender-systems-under-digital**> accessed 29 October 2024; European Commission, 'Commission Fines X €120 Million under the Digital Services Act' (5 December 2025) <**https://ec.europa.eu/commission/presscorner/detail/en/ip_25_2934**> accessed 11 December 2025. Interviewee 19 stressed that, in the first round of risk management reports, VLOPs also mostly focused on risks stemming from users rather than from platform design.

[223] Some child safety CSOs present at Workshop 2 indicated that they saw VLOPs' engagement with them as insufficient, especially relating to the roll-out of new platform features like AI chatbots. Interviewee 12 also noted that, except for Article 21 out-of-court dispute settlement procedures, there are very few structured participatory initiatives related to DSA enforcement aimed at thoroughly and comprehensively gathering user input.

[224] Participant 3, 13; interviews 4 and 21.

[225] Participant 13.

[226] Participants 3 and 13.

[227] Interview 4. See also Petros Terzis & Joris Van Hoboken, 'A Brussels Affect' (*Tech Policy Press*, 18 June 2024) <**https://www.techpolicy.press/a-brussels-affect/**> accessed 2 April 2025.

[228] Participant 3; interview 4.

Majority House, which is physically based in Brussels.[229] This underscores the significance of geography in inequalities of access and representation, and the material costs of attempting to overcome these barriers, as discussed above under *Distribution*.

Nonetheless, according to several participants, what is still lacking is proactive outreach by regulators to affected communities, users, and less well-connected researchers and organisations. Some also suggested that it is necessary to inform and educate different populations and local civil society communities at a more basic level about what is at stake with the DSA and how they can participate.[230] This could in turn enable those communities to contribute at an earlier stage to setting policy priorities, defining problems, and shaping shared understandings of systemic risks:[231]

> 'What does this look like? This looks like consultations. This looks like bottom-up approaches to regulatory development. This looks like also ensuring and mobilizing the 27 [member states] and recognising the shortfalls of inculcating these differentiated positions into regulatory features as far as possible. It looks like assistance, tangible assistance. It looks like information streams that are readily available, accounting for those asymmetries. And this should be done at the very beginning of the process.'[232]

Recognition: not everything that is spoken is heard

Recognition 'comes after' distribution and representation. Where actors have the material means to participate (redistribution) and are included as 'participants' in a given space or community (representation), the question then arises of whether they are *recognised* by others as full, equal participants.[233] This requires that their concerns, priorities, and visions are heard and understood as intended, and can actually influence political and regulatory arrangements.[234] Conversely, *misrecognition* may occur where dominant institutional norms or practices privilege certain perspectives and forms of participating over others (for example, specific ways of defining concepts and framing issues and problems, or assumptions about which solutions are plausible), and where, as a result, other perspectives are either ignored entirely or reinterpreted to fit with dominant

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[229] Ramsha Jahangir, 'Advocates and Researchers Set Up "Global Majority House" in Brussels to Engage on Digital Services Act' (*Tech Policy Press*, 14 November 2024) <**https://www.techpolicy.press/advocates-and-researchers-set-up-global-majority-house-in-brussels-to-engage-with-dsa/**> accessed 12 December 2025.

[230] Participants 4 and 5; interviews 2, 7, 10, 14 and 15.

[231] Participants 4 and 5; interviews 9 and 15. This could also help address problems of misrecognition, as outlined in the section above.

[232] Interview 15. Participant 4 expressed a similar idea in the workshop.

[233] Fraser (n 172) 146. We slightly invert here the order in which Fraser presents the pillars of participatory parity. Specifically, Fraser developed her framework initially just referencing redistribution and recognition, only later adding representation as a third component of participatory parity, to discuss more fundamental exclusions from participation in social life. However, when applying Fraser's framework to participation in DSA systemic risk management, we chose to first discuss distribution and representation – since these factors tend to result in an exclusion of civil society actors from participation spaces – whereas recognition relates to a devaluing or neglect of the contributions of those actors who *do* get to participate in.

[234] Fraser and Honneth (n 177), 18, 49-51, 57; Fraser, 'Heterosexism, Misrecognition, and Capitalism' (n 175), 280, 282.

perspectives and priorities.[235]

The ideal of equal recognition should not be interpreted here as requiring that all civil society contributions and opinions should be featured equally in VLOPs' systemic risk reports, Commission enforcement decisions, or regulatory guidelines. Rather, participatory justice as we have framed it in this report would imply a greater diversity of perspectives in regulatory debates,[236] including fundamentally different and conflicting political and normative arguments. This means there would be more rather than less need for regulators and other institutions to make value-laden choices about what perspectives to include and exclude, and how to synthesise or resolve conflicts between different opinions. In this sense, equal recognition implies three things: that regulators and VLOPs listen to and consider all participants' experiences, perspectives and proposals; that they do so with an open mind, aiming to understand what each participant intends to convey, rather than to select or reinterpret civil society contributions to fit a pre-established agenda; and that participants can check whether their contributions were considered and the extent to which they influenced policy outcomes. Conversely, where some people or perspectives are assumed to be irrelevant, where their arguments are distorted or reinterpreted to fit with a predetermined institutional agenda, or where they have no information about how (if at all) their inputs were considered, we are facing issues of 'misrecognition'. To examine how these issues play out in the DSA context, we first look at civil society's engagement with VLOPs, then their interactions with regulators.

All workshop participants agreed that VLOPs' engagement with civil society in systemic risk management was very limited,[237] despite the clear mandate in Recital 90 DSA to 'conduct their risk assessments and design their risk mitigation measures with the involvement of representatives of the recipients of the service, representatives of groups potentially impacted by their services, independent experts and civil society organisations'.[238] Many described contact with platforms as 'frustrating', 'unproductive' or 'of little value'.[239] Some interviewed researchers described experiences of contacting platforms to share research related to platform harms or content moderation practices, having platforms ask for such evidence, and then never following up to let researchers know how they had

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[235] Fraser and Honneth (n 177), 19-26; Fraser, 'Heterosexism, Misrecognition, and Capitalism' (n 175) 280, 283.

[236] This implies not just the inclusion and empowerment of more civil society perspectives in regulatory debates, but also an increase of their importance – i.e., of all the different perspectives within civil society, in their unique singularity - in the relative balance with VLOPs' perspectives, which are currently largely favoured in DSA enforcement. See, in this sense, Laurens Naudts, Natali Helberger, Michael Veale and Marijn Sax, 'A Right to Constructive Optimization: A Public Interest Approach to Recommender Systems in the Digital Services Act' (2025) 48 Journal of Consumer Policy 269, 270, 279.

[237] Besides workshop participants, this was mentioned by interviewees 9, 10 and 13. This has also been expressed by NGOs and civil society coalitions in public statements: see e.g. Center for Democracy & Technology, *Civil Society Responds to DSA Risk Assessment Reports: An Initial Feedback Brief* (17 March 2025) <**https://cdt.org/insights/dsa-civil-society-coordination-group-publishes-an-initial-analysis-of-the-major-online-platforms-risks-analysis-reports/**> accessed 12 December 2025; and comments by Svea Windwehr in Jahangir (n 61).

[238] The quote is from John Albert, 'DSA risk assessment reports: A guide to the first rollout and what's next' (*DSA Observatory*, 9 December 2024) <**https://dsa-observatory.eu/2024/12/09/dsa-risk-assessment-reports-are-in-a-guide-to-the-first-rollout-and-whats-next/**> accessed 12 December 2025.

[239] E.g., participants 1, 9 or 11; interviews 9, 10, 11, 13 and 18.

considered it.[240] As regards multi-stakeholder workshops, many participants considered that these events lacked open and substantive discussion on how to identify and mitigate systemic risks (discussed in detail above in Section 2, under *Lobbying & advocacy directed at VLOPs*).[241] Additionally, some participants suggested that VLOPs seem to treat participation in these events - coupled with the user research and product testing processes that predated the DSA, which are not necessarily related to systemic risk management - as sufficient to meet demands for stakeholder engagement, making any other forms of civil society engagement unnecessary.[242]

Overall, then, participants' accounts suggest that even where civil society actors are *represented* in VLOPs' DSA risk management processes, in the sense that they can get access to and give input to platforms, their perspectives are often not really *recognised*. Since VLOPs retain almost unlimited discretion to decide how and with whom to engage, and what inputs to consider and integrate in their risk management practices, the likelihood that civil society inputs have a consequential impact on risk management processes and outcomes is largely dependent on whether they align with VLOPs' preferences.

As regards the role of regulators, some participants suggested that the Commission is contributing to these problems of misrecognition by VLOPs, in the sense that it is not using its enforcement powers to pressure companies to engage broadly and meaningfully with civil society.[243] More fundamentally, however, many participants also described problems with misrecognition in the way the Commission and national regulatory agencies themselves engage with civil society. Participants had diverging views, especially regarding the Commission. Some described their engagement with DG Connect as limited and lacking transparency, similarly to VLOPs.[244] Others suggested that their participation in formal consultations, multistakeholder workshops or drafting codes of practice often felt like a form of 'box-ticking' in which their contributions had little practical relevance to regulatory outcomes.[245] On the other hand, some interviewees praised DG Connect's engagement with civil society.[246] Here, we again observe disparities between different types of civil society actor. More positive comments came from very well-connected actors (three representatives of well-resourced and well-connected NGOs and one researcher taking part in

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[240] Interviews 6 and 10. This was also mentioned in Workshop 1.

[241] Although such limited discussion constitutes a problem of misrecognition, interviewee 13 cited a positive aspect of these events in terms of representation, namely that the Commission takes this opportunity to invite a more diverse set of civil society actors, going beyond the 'core group of civil society actors that is well represented in Brussels [and] well-funded' and that focuses mainly on digital rights and policy.

[242] Interview 9. This idea was also echoed in Workshop 1.

[243] Participants 5 and 11, with several in the room nodding in agreement; interviews 9 and 11. This was mentioned by several participants in Workshops 1 and 3.

[244] Participant 1 stated this during the workshop, with some other participants nodding; interviews 3, 7, 9, 10. Several participants in Workshop 1 and 3 echoed this sentiment as well.

[245] Interviews 9, 12, 13 and 18. Interviewee 16 had a dissenting opinion about the collaborative development of the AIA code of practice on systemic risks; as well as interviewee 8, based on their experience in a task force created to improve and strengthen the Code of Practice on Disinformation.

[246] E.g., interviews 8, 12, 13 and 16. See also Jóźwiak (n 64).

an independent consortium working closely with the Commission). The majority of other participants expressed more negative views, pointing to several aspects of misrecognition: first, a lack of transparency from regulators towards civil society; second, an expectation that the latter contribute *useful* evidence for regulatory enforcement; and third, relatedly, that civil society participation becomes extractive, with regulators focusing only on those aspects of what civil society are saying that confirm their existing perspectives or priorities, rather than trying to understand what civil society actors think is important.

First, several actors pointed out a general lack of transparency from regulators, and especially the Commission, towards civil society. Some participants specifically stated that transparency from regulators is more important than from companies, given their public interest mission.[247] Currently, it is very hard for civil society actors to know how the Commission is enforcing systemic risk management towards platforms and engaging with civil society's inputs in that context. This in turn affects their ability to measure the impact of their contributions and to prioritise and plan their own work, as well as to scrutinise enforcement choices made by the regulator.[248] Illustrating this problem, one interviewee responded to a question about what they thought was the most impactful form of contribution they could make to regulators:

> 'That's a very interesting point and I wish I could answer it precisely, but I think thereunder lies another issue, which is transparency, to be honest. So we frankly don't know…this is something we are – maybe I could use the word – frustrated about…we don't hear anything back [from the Commission].'[249]

Overall, many participants felt that engagement often takes place in a 'one-sided' way, where the Commission acts as an 'evidence-taker', showing willingness to engage with civil society in order to obtain information that could be useful for enforcement actions and investigations, but providing little information in return.[250]

Second, this relates to another misrecognition issue that a number of participants identified: regulators expect civil society actors to contribute evidence that is 'useful' for DSA enforcement and oversight, and selectively engage with CSOs and researchers on this basis.[251] One participant described this as the Commission 'cherry-picking' which contributions that they engage with.[252] These accounts suggest that the Commission first establishes its substantive agenda regarding systemic risk management (i.e. which systemic risks it should prioritise

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[247] Participants 11 and 12; interviews 5 and 9. This idea was also repeated several times in Workshop 1.

[248] Participants 1, 4, 5 and 11; interviews 5, 9, 10, 11, 12 and 15; workshop 1. See also Jóźwiak (n 64); European Ombudsman (n 125); Ramsha Jahangir, Jacob van de Kerkhof & Matteo Fabbri, 'What We Don't Know About DSA Enforcement' (*Tech Policy Press Podcast*, 8 April 2025) <**https://www.techpolicy.press/what-we-dont-know-about-dsa-enforcement/**> accessed 12 December 2025.

[249] Interview 18.

[250] This idea was repeated several times in Workshop 1 and was also mentioned by participants 1 and 5, as well as in interviews 1, 3, 6, 9, 10, 11, 12, 15 18, and 21. See also Albert and Leerssen (n 102).

[251] Participants 1, 5, 6 and 14; interviews 6, 10, 11, 12, 13 and 18.

[252] Participant 14.

in regulatory oversight and enforcement actions, but also how these risks should be defined), and then preferentially engages with relevant contributions, while showing little flexibility to consider civil society perspectives related to other issues and priorities. In this respect, participants mostly identified illegal content, disinformation and child safety as the Commission's top priorities.[253]

This strategy also then appears to influence how CSOs prioritise and plan their work. Several participants from engaged and well-connected CSOs indicated that they tend to give more attention to regulatory topics where the Commission and other competent EU institutions place 'an added political focus', seeing this as a way to effectively influence enforcement instruments that are still being developed – such as guidelines or codes of conduct – as well as the concept of systemic risk more broadly.[254] Conversely, civil society actors who want to address other issues may be forced to adapt their communication strategy by framing their contributions so that they match the Commission's enforcement agenda and, thus, stay 'relevant':

> 'I think that if as an organisation you do not at some point adapt, you will not be relevant anymore. However, I truly believe that you can still say the exact same thing as you did before, but maybe with a bit different wording, make it a little bit more conservative. I mean, we are not only talking about children's rights; we will still be talking about trans rights, we will still be talking about women's rights. And we haven't been an organisation dealing with children's rights yet, right? But we know that this is like the only topic which from a conservative perspective is interesting right now, so we will be looking at it also from that perspective, of course we will [...] It's just like maybe we open up the space through these topics, and then we can still push for our root topics."[255]

Importantly, even where such strategies are successful, this may still be considered to raise issues of misrecognition. This quote suggests that, in order to be listened to by regulators, civil society actors are under pressure to use certain problem framings and highlight aspects of an issue that align with a predefined agenda, even where these framings may not align with the perspectives and priorities of communities that they represent. This essentially means that the perspectives and experiences of groups affected by platform-related harms are being distorted to fit the preferences of policy elites.

Framing the 'usefulness' of civil society contributions in terms of whether they support a predefined enforcement strategy also depoliticises the Commission's policy choices and prevents political contestation of regulatory priorities. Where civil society input challenges these policy priorities or contributes radically

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[253] Participant 14; interviews 1, 3, 6, 7, 18, 19; workshop 1.

[254] Interviews 6, 18, 19 and 20; workshop 1. The direct quote is from interviewee 19, who said that their organisation – one of the most prominent digital rights organisations in this field and part of the DSA Civil Society Coordination Group – and respective coalition tend to focus their attention and resources on issues politically prioritised by the Commission and other competent EU institutions, such as the Council Presidency, giving the examples of child safety and, regarding that risk, certain specific mitigation solutions such as age verification. However, they also stated that when it comes to filing complaints to the regulator or informally signalling DSA breaches, CSOs still act somewhat independently from the policy priorities set by the regulator.

[255] Interview 18. Similar ideas were conveyed in interviews 3, 7 and 10.

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different perspectives on how the DSA should be implemented, it may then be ignored as it is not deemed practically 'useful'.[256] Consequently, as some participants suggested, participation in this space is mostly geared towards consultation as opposed to co-determination of regulatory interpretation and technical solutions. The most engaged civil society actors are generally policy-oriented CSOs as opposed to affected communities or actors focused on building or designing different kinds of technical infrastructure for platforms.[257] We should note that we cannot say for sure how and to what extent DG Connect considers different perspectives and contributions (mostly due to the lack of transparency described above). However, the above statements from our participants about how they frame their contributions to get regulators' attention show that these expectations of 'usefulness' are shaping policy discussions and advocacy. This may discourage some civil society actors from engaging in EU-level participatory spaces at all, if they feel from the outset that their contributions will not be considered useful,[258] or discourage them from pursuing activities or investigating issues that they do not think fit the current regulatory agenda.[259]

Third, recognition of civil society's contributions may also depend on their format, narrowing down the type of civil society activity and output that is taken seriously in participatory spaces. Notably, as discussed in section 2 under *Research,* many participants agreed that regulators tend to privilege contributions that offer quantitative, aggregated evidence of VLOPs' social impacts or non-compliance with systemic risk management obligations,[260] as well as related legal arguments.[261] Conversely, more qualitative contributions and evidence about lived experiences of harms such as online gender-based violence or platform addiction were less valued.[262] Some participants nevertheless argued that anecdotal stories and personal experiences were still useful to educate the public and lawmakers, and could exert influence by helping set political and media agendas.[263] However, in order to be taken seriously in regulatory enforcement and compliance processes, such experiences must generally be backed up by quantitative research and/or technical legal arguments.[264] This not only excludes organisations and stakeholder groups who lack the capacities and resources necessary for these types of research (as we discussed above under *Distribution*) but also those whose activity focuses on other types of research, such as documenting lived experiences of online harms.[265]

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[256] Participant 14; interviews 3, 6, 11, 15, 18, 20 and 21; this idea was also mentioned several times in workshop 1.

[257] Participant 4; interviews 3, 9, 10, 11, 15 and 20.

[258] Participant 5; interviews 7 and 14.

[259] Participant 1, 7; interviews 6 and 10; workshop 1.

[260] Participant 1, 11 and 12; interviews 9, 11, 12, 13, 18 and 21. This was also mentioned several times in Workshop 1. Interviewee 9 said that this contrasts with advocacy around the AI Act, where civil society actors are often asked to back up claims about an issue or harm with concrete, individual examples of people experiencing that harm.

[261] Participant 1; interviews 18 and 21.

[262] Participants 8 and 11.

[263] Participant 12; interviews 11, 12, 13 and 16.

[264] Participants 1, 11 and 12; interview 18.

[265] Participants 1 and 8; interview 1, 3, 7 and 13.

Some academic participants stated that regulators (generally and in the context of DSA systemic risk management) want researchers to reduce the complexity of the work they submit in participatory channels, which could lead to regulators overlooking or oversimplifying research relating to platforms' impacts on human rights and other broad societal values.[266] Similarly, some interviewed researchers also mentioned that research which is more creative and exploratory, or investigates issues that are not currently high on the regulatory agenda, also tends to be sidelined.[267]

Finally, another consequence of these expectations of 'usefulness' is the establishment of an extractive relationship: regulators treat civil society actors as suppliers of input from which they can select according to their own preferences.[268] In particular, grassroots organisations and NGOs representing marginalised communities may feel they are being 'tokenised' by being invited to participatory initiatives, but not having their concerns seriously considered.[269] However, some participants from more influential and better-connected organisations expressed similar feelings. When civil society's participatory inputs are first and foremost expected to be useful to a pre-determined enforcement agenda, where material resources and compensation structures are often insufficient (see *Distribution* above), and where regulators are not transparent about how they use civil society's inputs, civil society participation can often feel for participants more like free labour than a truly participatory dialogue.[270] This can also create a dilemma for civil society actors: if they do seek compensation for their work (e.g. through tenders or applying for grant funding), they may undermine their (actual or perceived) ability to independently scrutinise DSA enforcement.[271] Indeed, even without being paid, the heavy involvement of some CSOs and researchers in DSA enforcement may make it harder to express strong criticisms of the Commission's approach to enforcement and underlying political choices, and/or mean that they are perceived as having lost that ability and become 'insiders'.[272]

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[266] Participant 4; interviews 1, 6, 10 and 21; stated also several times by academic researchers in Workshops 1 and 3.

[267] This was mentioned by participant 7 at the end of the workshop as one overall theme of the workshop's discussions. Participant 7 asked the whole group whether they agreed, and most people showed their agreement; participants 1 and 2 then expressed similar ideas. This was also mentioned in interviews 6, 10, and 11.

[268] Participants 1, 4, 6, 7, 14; interviews 3, 7, 13.

[269] Participants 4 and 8; interviews 3 and 7. Interviewee 3 said that they sometimes feel the same in big civil society coalitions. On civil society actors feeling 'tokenised' in participatory initiatives, see Arnstein (n 180), 24–25; Taina Meriluoto and Kanerva Kuokkanen, 'How to Make Sense of Citizen Expertise in Participatory Projects?' (2022) 70 *Current Sociology* 974, 983-986; Gilman (n 180), 529.

[270] Participant 6.

[271] Participant 1; interview 13.

[272] Cf. Section 2.

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4. RECOMMENDATIONS

In this report, by drawing on collective discussions with participants from diverse organisations and backgrounds, we have mapped out the current landscape of civil society participation in DSA systemic risk management and identified a number of barriers to equal and inclusive participation. These can be classed into three broad categories: *distributive* injustices, where unequal resources and capacities make it harder for some organisations to meaningfully participate; *representational* injustices, where inequalities of social capital, status or connections make it harder for some organisations to access participatory spaces; and injustices of *recognition,* where civil society perspectives are ignored, are listened to only selectively, or are distorted to fit other actors' policy agendas. Our study provides detailed empirical data on how these dynamics play out in the particular institutional context of DSA enforcement and in the specialised expert community working on platform regulation. However, these trends are far from unique to this context. Most of the trends we observe (e.g. lack of transparency around civil society participation and its impacts; influence of funders and resource inequalities on civil society advocacy; selective engagement by companies and regulators with civil society perspectives) have also been documented in other policy contexts, and could be considered generally characteristic of civil society participation in contemporary regulatory regimes.[273]

Nonetheless, we believe that there is at least some unrealised potential to do things differently here. As our participants highlighted, DSA implementation is still at an early stage, which means that norms and practices around the interpretation and enforcement of the systemic risk provisions are still malleable.[274] There is also a lot of flexibility to shape participatory spaces and multi-stakeholder initiatives differently, since their organisation largely falls within the discretion of regulators or VLOPs. Finally, the enforcement of the DSA and other EU tech regulations has also noticeably been politicised in recent years, in the context of EU-US trade tensions and the current Commission's broader deregulatory agenda.[275] Perhaps more so than when the DSA was originally passed, regulation of 'big tech' platforms is not just seen as a technocratic exercise in 'effective' regulatory oversight but as involving political choices and

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[273] See e.g. Juanita Uribe, 'Excluding through inclusion: managerial practices in the era of multistakeholder governance' (2024) 31(6) *Review of International Political Economy* 1686 <**https://doi.org/10.1080/09692290.2024.2362666**>; Eliana Cusato, 'Transnational law and the politics of conflict minerals regulation: construing the extractive industry as a 'partner' for peace' (2021) 12(2) *Transnational Legal Theory* 269 <**https://doi.org/10.1080/20414005.2021.1967683**>

[274] Participants 1, 4, 11; interviews 4, 19 and 21.

[275] Harfst and others (n 143); Ruschemeier (n 140); Rachel Griffin & Riccardo Fornasari, 'Risky business? Corporate risk management obligations in sustainability due diligence and digital platform regulation' (2025) *European Journal of Risk Regulation* <**https://doi.org/10.1017/err.2025.10064**>

values. As such, there is a particularly important window of opportunity now to establish norms and practices – around the definition and appropriate management of systemic risks, but also around regulatory oversight and enforcement practices – that could have long-term consequences.

We therefore conclude with some recommendations to regulatory agencies – both DG Connect, and national DSCs – as to how they could facilitate more inclusive and egalitarian participation by civil society actors. We choose to offer recommendations to these agencies as they have the greatest power and agency to address the inequalities and barriers we identified in this report, because of their legal responsibility for overseeing how VLOPs approach systemic risk management, their capacity to impose regulatory penalties, and their broad discretion over how to organise and coordinate civil society participation mechanisms. However, we hope that the empirical findings, analyses and policy recommendations presented here will also be useful to other actors, such as researchers and NGOs – not only by offering ideas about the kinds of demands that they could make of regulators, but also as guidance about how they could approach their own work. For example, large and well-connected CSOs which organise workshops or otherwise facilitate participation by other organisations could also take these considerations into account as they endeavour to maximise inclusivity.

In short, we make three **key recommendations**:

- The Commission should increase regulatory pressure on VLOPs regarding engagement with civil society in risk management. **This should be part of the Commission's evaluation of systemic risk reports and should be explicitly discussed in its regulatory guidelines on systemic risk management, as well as its requests for information and enforcement actions.** The Commission should also be **transparent with the public about how it evaluates VLOPs' compliance, making clear what good stakeholder engagement looks like** (e.g. consultation processes, number and diversity of stakeholders consulted).

- All stakeholder engagement initiatives (irrespective of their nature and organisers) should seek to **include a maximally diverse set of civil society actors, from the earliest stages of planning and undertaking participatory processes.**

- As well as diverse actors, **regulatory agencies should solicit and consider more diverse types of civil society inputs.** This includes alternative contribution formats, such as descriptions of the lived experiences of affected individuals and communities, as well as alternative policy priorities and proposals regarding systemic risk identification and mitigation.

1. STRONG OVERSIGHT AND CLEAR STANDARDS FOR VLOPs' STAKEHOLDER ENGAGEMENT

Participants from a wide range of civil society backgrounds agreed that VLOPs' stakeholder engagement practices have little impact on systemic risk management, and that it is becoming more difficult even to have meaningful discussions with VLOPs, let alone to exercise influence. This finding is notable given that the DSA explicitly envisages engagement with CSOs, affected communities and independent experts in systemic risk management processes. Recital 90 clearly instructs VLOPs to 'ensure that their approach to risk assessment and mitigation is based on the best available information and scientific insights' and to 'conduct their risk assessments and design their risk mitigation measures with the involvement of representatives of the recipients of the service, representatives of groups potentially impacted by their services, independent experts and civil society organisations'. Our participants' experiences suggest that there is a significant gap between regulatory expectations and reality.

This gap could be addressed by more robust regulatory oversight and enforcement of Articles 34-35. Recital 90 provides authoritative guidance on the interpretation of these provisions, and should thus be used to clarify ambiguous high-level concepts used in Articles 34-35. For example, Article 34(1) requires VLOPs to carry out risk assessments 'diligently' and Article 35(1) requires mitigation measures to be 'reasonable, proportionate and effective'. While these criteria are inherently open to interpretation, the simplest way of giving them a more concrete meaning would be to hold that it is not 'diligent', 'reasonable' or 'effective' to produce risk assessments and mitigation measures which do not reflect the mandate of civil society inclusion in Recital 90. This interpretation has a clear textual basis in the DSA, and would contribute to its effectiveness as a law intended to promote civil society participation in platform governance.

Concretely, then, DG Connect could make it clear to VLOPs that **soliciting a wide range of civil society perspectives and independent research, and incorporating these perspectives and findings into risk management decisions, is a criterion for compliance with Articles 34-35;** and that, consequently, failure to do so could lead to enforcement actions and penalties.

To start with, the Commission could **issue requests for further information about how exactly VLOPs incorporated independent research and advocacy into their risk assessment and mitigation practices**. Since recognition of civil society perspectives requires that they are not just heard but are seriously considered, these requests should also cover how these perspectives concretely influenced risk management processes and outcomes.

While it appears that the Commission already evaluates VLOPs' stakeholder engagement to some extent,[276] it should be made clear that ongoing

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[276] An indication can be found in the Commission's public procurement specifications for technical support for the enforcement of DSA systemic risk management. One of the areas for which the Commission was seeking technical support through this tender was the monitoring of stakeholder engagement. See European Commission, 'Call for Tenders EC-CNECT/2024/OP/0052 - Digital Services Act: Technical Assistance for Market Intelligence, Evidence Gathering and

improvement is expected in further reports and that, in the future, inadequate, superficial or inconsequential engagement with civil society – as many civil society actors felt has been the case so far – could lead to investigations and penalties. To this end, **both the Commission and the European Board for Digital Services can and should issue guidance on what good civil society engagement looks like and how they will evaluate its (in)adequacy in future.**

2. PRIORITISING INCLUSIVITY AND EQUALITY AT THE EARLIEST STAGES

Our findings make clear that not only VLOPs, but also regulatory agencies have a lot to improve when it comes to meaningful and inclusive engagement with civil society. At the moment, outreach and access are skewed towards a relatively small number of well-connected CSOs and researchers who have specialist expertise in the DSA; are predominantly based in Brussels or in a few wealthy Western European member states; and have personal connections with Commission staff, platform companies and other influential CSOs. These organisations are not representative of all relevant perspectives and stakeholder groups affected by platform regulation and systemic risk management. Other groups represented in our workshop – such as content moderators, grassroots feminist and antiracist organisations, and Global South-based NGOs – feel that they would have a lot to contribute to these policy discussions. Including this wider range of perspectives in consultations and stakeholder engagement processes could help regulators make better-informed choices about DSA enforcement.

This will, however, require concerted efforts to address each of the aspects of injustice we outlined above. A good start would be for the Commission and national DSCs to actively reach out to a wider range of stakeholders and civil society groups than 'the usual suspects in the Brussels bubble'[277] when holding consultations or seeking information and input. In this sense, the current online form for CSOs to declare their activity to the Commission – scantly promoted on social media – is insufficient.[278] Since many organisations and actors have less awareness of DSA-related events and news than specialist digital rights organisations, this would require **proactive efforts by regulatory agencies to research and identify organisations and actors whose perspectives and insights are relevant to a given issue**[279] (something we have shown is possible through our approach to recruiting a diverse range of participants for this study, including participants who have expertise relevant to a given systemic risk, but do not directly work on the DSA).

However, as our analysis of distributional injustice shows, just giving a more diverse range of actors access to participatory spaces will not address

Compliance Monitoring' (EU Funding & Tenders Portal, 29 July 2024), 20-21.

[277] Jóźwiak (n 64).

[278] Jahangir (n 13).

[279] A desire for such proactive outreach by regulators was expressed by participant 4 and interviews 7, 9, 14, 15 and 17.

inequalities if this is not accompanied by **material support for their participation**. Concretely, this might mean providing travel funding to enable in-person participation in events, or informational resources designed to help organisations with different forms of expertise engage with specialist questions about DSA compliance and enforcement. Additionally, several underrepresented actors participating in our study do not necessarily have the interest or time to 'go to Brussels'.[280] **Other accessible communication channels should be established and actively promoted to underrepresented CSOs** (e.g. online, and through national DSCs, as we discuss below). Finally, this could also involve creating **accessible (and not excessively bureaucratic) funding streams to support existing civil society work documenting platform-related harms**, or even letting civil society actors co-determine compensation structures (monetary or not) for participating in events and consultations.

These considerations should be taken into account in all future stakeholder engagement processes in the context of DSA enforcement. For example, that includes multistakeholder consultation workshops and events; consulting on and drafting codes of conduct and regulatory guidance; consulting on decisions about enforcement strategies and investigations; or setting up ongoing institutional relationships with external experts, such as civil society advisory boards.[281] We consider that – given the Commission's resources and leading role in overseeing systemic risk management – **DG Connect has a special responsibility to dedicate effort and resources to ensuring that a wide range of perspectives are represented and can meaningfully participate. However, DSCs can also play an important role, given their better knowledge of Member State-specific issues and local civil society perspectives**. For example, they may be better placed to identify relevant local organisations to reach out to about a given issue. The EBDS could, in turn, be an appropriate forum to gather national, cultural and local perspectives and convey them to the Commission.

3. CONSIDERING A WIDER RANGE OF EVIDENCE AND EXPERTISE

Broadening the diversity of organisations with access to and capacities to participate in participatory spaces will not mean much if regulators are not open to listening to, seriously considering and responding to a greater diversity of points of view. This requires more than just increasing the presence and visibility of 'civil society' as a general category in participatory spaces related to DSA enforcement. It should involve inclusion and empowerment of civil society actors with different levels of organisation, perspectives, backgrounds, forms of work and expertise.

Civil society participation should be valued because including diverse perspectives makes political decisions about DSA enforcement priorities more inclusive and legitimate – not just because it provides 'evidence' for regulators.

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[280] See *Redistribution* section; this idea was especially mentioned by participant 5 and in interviews 1, 2 and 14.

[281] Vergnolle (n 14), 23-43; see also Bundesnetzagentur (n 68); Jahangir (n 13). Participants 9 and 11 and interviewees 12 and 13 signalled that this model of civil society advisory boards – as set up by the German DSC – could be "helpful" to represent civil society more broadly in DSA enforcement.

Thus, rather than coming to consultations with a clear idea of their policy priorities and seeking inputs and evidence that will be 'useful' in pursuing this predefined agenda, **regulatory agencies should recognise that decisions about how to understand and prioritise systemic risks should themselves be open to political debate. Concretely, that implies reaching out to civil society and considering their perspectives at an earlier stage.** For example, civil society actors should not just be expected to provide evidence about the prevalence of particular issues, or to recommend 'best practices' for the mitigation of predefined risks. They should also be able to introduce different perspectives on questions that arise earlier in regulatory oversight processes, like how systemic risks and relevant concepts (like hate speech or freedom of expression, in the context of this study) should be understood and prioritised.

Recognising a greater diversity of perspectives and interests will also require a broader understanding of what kinds of knowledge constitute relevant 'expertise' and who can be an 'expert'. If the systemic risk framework is to address the impacts of platform governance on affected communities, this would require taking more diverse types of expertise into account, beyond organisations with the necessary subject-specific and legal expertise to engage intensively with technical EU policy debates. That could include information about the 'lived experiences' of communities affected by particular platform governance issues, and about what kinds of mitigation measures people in those communities feel would help them.[282] It could also include expertise about specific aspects of platform governance, even where the organisations in question are not specialised in the DSA or the technical jargon of platform regulation: for example, the working conditions and labour processes of content moderators, or country- or community-specific understandings of concepts like hate speech.

Enforcement and implementation of the systemic risk management framework should take account of these diverse perspectives about what it means to be affected by platform governance, and what better approaches to platform governance should look like.[283] In general, most participants in the workshop agreed that a vital aspect of meaningful civil society participation would be to 'truly include' all voices in participatory spaces, especially those articulating new and underrepresented perspectives.[284] One interviewee argued – and we would agree – that this inclusion is a 'matter of justice'.[285]

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[282] Some hints on how to include lived experiences and affected communities' perspectives in digital governance can be taken from, for example, Zoe Kahn and Nitin Kohli, 'Provocation on Expertise in Social Impact Evaluations of Generative AI (and Beyond)' (*arXiv*, 2024) <http://arxiv.org/abs/2411.06017> accessed 19 December 2025; Kimon Kieslich, Natali Helberger and Nicholas Diakopoulos, 'Scenario-Based Sociotechnical Envisioning (SSE): The Guidebook' (*OSF*, 2025), available at: <https://osf.io/j5ske_v1> accessed 3 July 2025; Rachel López, 'Experiential Expertise in Law: What Lived Experience Can Teach' (Social Science Research Network, 2025), available at: <https://papers.ssrn.com/abstract=5227421> accessed 3 July 2025.

[283] Carvalho, 'It will be what we want it to be' (n 8).

[284] Participants 1, 2, 4, 5, 6, 7, 8, 12, 13 and 14 mentioned this at the end of the workshop, when they were asked to name one thing that would be necessary for civil society participation to be meaningful in this context. This idea was also repeated in interviews 6, 7, 10, 9, 15 and 17.

[285] Interview 7.

I. Sampling details and list of workshop participants

II. Interviewees and information on interview guides

III. Workshops attended by the authors providing additional contextual information

ANNEXES

Who speaks and
who is heard?

Civil society
participation and
participatory justice
in DSA systemic
risk management

ANNEX I: SAMPLING DETAILS AND LIST OF WORKSHOP PARTICIPANTS

We followed a theoretically informed quota-sampling approach, in which we identified several relevant 'ideal type' categories of civil society actors and aimed to invite a set number of participants from each category. These 'ideal types' were devised in order to represent a range of different perspectives on our focus topic of hate speech, online violence and their regulation, drawing on our prior research and knowledge of this aspect of platform regulation. By diversity of perspectives, we understand both diversity of both structural positions (e.g. the size, resources and connections of civil society actors) and substantive interests (e.g. actors whose work focuses on different issues and aspects of this broad topic).

We identified three broad categories:

- Digital rights NGOs: non-profit organisations specialised in advocacy for human rights and civil liberties in relation to digital governance, generally with a high level of expertise and familiarity with the DSA;
- Non-digital rights NGOs: non-profit organisations whose goals and expertise relate to the risk area of online violence (for example, because they work on freedom of expression, on- and offline hate speech and abuse, minority rights and/or social justice) but who are not specialised in platform regulation and may be less familiar with the DSA;
- Activists, campaigners and other individual civil society actors: people who work independently on relevant topics, but are not associated on a permanent basis with specific NGOs. Within this category, we included four sub-types: investigative journalists; researchers (including not only academics but also freelance and non-academic researchers); activists; and labour organisers.

To recruit participants from each category, we first produced a broader list of 110 potentially-relevant participants, based on desk research as well as prior personal contacts and experience,[286] and categorised them by ideal type. Within each category, we then ranked potential participants by priority (whom to invite first) based on additional criteria related to our theoretical considerations of maximising diversity within our sample and including perspectives that are normally underrepresented in discussions around the DSA:

- Diversity of geographical locations, to include organisations from peripheral Member States[287] and organisations from outside the EU;
- Diversity between actors who work more closely with affected communities, and actors whose work is more focused on elite/expert policy communities;

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[286] For example, we have attended a number of conferences, symposia and workshops on the DSA and platform regulation, which typically include not only academics but also civil society actors, public regulators and platform representatives, and therefore already give some idea of which civil society actors are working on relevant topics.

[287] Orlando-Salling (n 31).

- Inclusion of some NGOs that are part of civil society coalitions,[288] as a way of compensating for the limited number of workshop participants, as these participants would also be knowledgeable about the experiences/perspectives of a broader civil society community.

Based on these ranked lists, we then recruited our final sample of participants based on additional convenience sampling considerations:[289] we started by inviting our top-ranked participants within each category, and if someone declined an invitation, we would either (i) move on to the next-ranked name within that category; or (ii) in case the invitee recommended inviting someone else, we invited the referred person, following a snowballing technique.[290] We additionally proposed to invited participants who could not attend to instead participate in an individual semi-structured interview. Of the 6 invitees who could not attend, all but one (5) accepted to do an individual interview.

Below is a table with the final list of the workshop participants:

Number	Role	Part of a coalition
Participant 1	Representative of non-digital rights NGO (freedom of speech)	Yes
Participant 2	Representative of non-digital rights NGO (freedom of speech)	Yes
Participant 3	Representative of digital rights NGO	Yes
Participant 4	Researcher/participant in consortium of non-digital rights NGO[292] (minority rights)	Yes (coordinator of research consortium of minorities' rights organisations)
Participant 5	Individual academic researcher and activist	No
Participant 6	Freelance researcher	No
Participant 7	Academic researcher and former member of digital rights NGO	No
Participant 8	Representative of non-digital rights NGO (feminist organisation)	Yes
Participant 9	Representative of digital rights NGO	Yes (coordinating coalition of digital rights NGOs)
Participant 10	Representative of digital rights NGO	Yes
Participant 11	Representative of digital rights NGO	Yes
Participant 12	Investigative journalist	No
Participant 13	Former content moderator and activist focused on labour rights of content moderators	No
Participant 14	Individual researcher and activist	No

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[288] For this purpose, we considered coalitions as any relatively stable organisational structure aggregating civil society actors in order to collectively advocate for similar policy core beliefs, requiring some degree of coordination of activities that serve such advocacy. See Christopher M Weible and Hank C Jenkins-Smith, 'The Advocacy Coalition Framework: An Approach for the Comparative Analysis of Contentious Policy Issues' in B Guy Peters and Philippe Zittoun (eds), Contemporary Approaches to Public Policy (Palgrave Macmillan UK 2016) 22.

[289] Marshall (n 22), 523-524; Guest, Namey and Mitchell (n 22), 113, 18-19.

[290] All referred names had been covered in our initial list of civil society actors.

[291] The experiences of this participant that were of relevance to this study was both as an academic researcher studying online hate speech and, crucially, as the coordinator of a research consortium bringing together non-digital NGOs focusing on minorities rights protection in order to co-design and conduct participatory research with them on online hate speech.

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ANNEX II: INTERVIEWEES AND INFORMATION ON INTERVIEW GUIDES

Number	Interviewee	Type
Interview 1	Participant 7 of focus group workshop	Follow up interview; on all topics covered on the workshop
Interview 2	Participant 5 of focus group workshop	Follow up interview; on the experiences of actors from peripheral member states
Interview 3	Participant 8 of focus group workshop	Follow up interview; on the experiences of marginalised communities
Interview 4	Individual academic researcher (workshop invitee)	On all topics covered in the workshop
Interview 5	Investigative journalist (workshop invitee)	On all topics covered in the workshop
Interview 6	Individual researcher (working on digital rights NGO)	On all topics covered in the workshop
Interview 7	Representative of non-digital rights NGO (minorities rights), coordinating network of grassroots organisations	On the experiences of grassroots organisations
Interview 8	Individual academic researcher (workshop invitee)	On all topics covered in the workshop
Interview 9	Representative of digital rights NGO	On all topics covered in the workshop
Interview 10	Individual academic researcher	On all topics covered in the workshop
Interview 11	Individual academic researcher	On all topics covered in the workshop
Interview 12	Representative of digital rights NGO (workshop invitee)	On all topics covered in the workshop
Interview 13	Representative of digital rights NGO (workshop invitee)	On all topics covered in the workshop
Interview 14	Activist working with several non-digital rights NGOs (minorities rights)	Follow up interview; on the experiences of actors from peripheral member states
Interview 15	Individual academic researcher	Follow up interview; on the experiences of actors from peripheral member states
Interview 16	Representative of digital rights NGO	On all topics covered in the workshop
Interview 17	Individual academic researcher	Follow up interview; on the experiences of marginalised communities
Interview 18	Representative of non-digital rights NGO (hate speech; minorities rights)	On all topics covered in the workshop
Interview 19	Representative of digital rights NGO	On all topics covered in the workshop
Interview 20	Representative of digital rights NGO	On all topics covered in the workshop
Interview 21	Representative of digital rights NGO	On all topics covered in the workshop

ANNEX III: WORKSHOPS ATTENDED BY THE AUTHORS PROVIDING ADDITIONAL CONTEXTUAL INFORMATION

- Workshop 1: the 'DSA Workshop on Systemic Risk Management', taking place at the Institute for Information Law of the Faculty of Law of the University of Amsterdam (IViR), organised by the IViR's DSA Observatory (28/03/2025). This workshop was attended only by researchers (academic, or otherwise working for digital rights NGOs or research institutes) working on the DSA.[292]

- Workshop 2: the 'DSA Multi-stakeholder workshop on Systemic Risks', organised by the European Commission, and taking place in Brussels (07/05/2025). The workshop was attended by civil society actors, VLOPs and regulators.[293]

- Workshop 3: the 'Expert Workshop: Trust in Digital Markets – Keeping Tabs on Systemic Risks', taking place at the Institute for Information Law of the Faculty of Law of the University of Amsterdam (IViR), and organised by the IViR's DSA Observatory (28/05/2025). This workshop was attended by academic researchers and auditing organisations involved in third-party audit reports (Article 37 DSA).

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[292] Albert and Leerssen (n 102); Jóźwiak (n 64).

[293] 'DSA Multi-Stakeholder Workshop on Systemic Risks' (European Commission – CCAB Centre de Conference Albert Borschette, Brussels, 7 May 2025), information available at: <**https://pure.qub.ac.uk/en/activities/dsa-multi-stakeholder-workshop-on-systemic-risks**> accessed 6 May 2025.