
Co-funded
by the European Union



COUNCIL OF EUROPE



Co-funded and implemented
by the Council of Europe

Protecting Freedom of Expression and of the Media in the Western Balkans PRO-FREX

DC-FoE_2025_2

December 2025

Report

Regional Peer Exchange on Regulatory Approaches to Harmful Content Online: Towards alignment with European standards, including the Digital Services Act

Council of Europe
Division for Cooperation on Freedom of Expression

The role and responsibility of the Council of Europe in protecting freedom of expression has been underlined in the "Reykjavik Principles for Democracy", the [Reykjavík Declaration – United around our values](#).

The report was prepared within the regional action 'Protecting Freedom of Expression and of the media in The Western Balkans' (PRO-FREX) that enables the beneficiary institutions and civil society organisations to progress towards meeting their reform agendas in the field of freedom of expression and freedom of media, in line with the European standards.

The action is implemented by the Council of Europe [Division for Cooperation on Freedom of Expression](#), within the joint programme of the European Union and Council of Europe Horizontal Facility for the Western Balkans and Türkiye, running from 2023 to 2026. It aims to contribute to an improved environment for the exercise, in particular by journalists and media actors, of their rights of freedom of expression, in a more pluralistic and safer media environment, in line with the standards as set by in accordance with Article 10 of the European Convention of Human Rights (ECHR).

The reproduction of extracts (up to 500 words) is authorised, except for commercial purposes as long as the integrity of the text is preserved, the excerpt is not used out of context, does not provide incomplete information or does not otherwise mislead the reader as to the nature, scope or content of the text. The source text must always be acknowledged as follows "© Council of Europe, year of the publication". All other requests concerning the reproduction/translation of all or part of the document, should be addressed to the Directorate of Communications, Council of Europe (F-67075 Strasbourg Cedex or publishing@coe.int).

This publication was produced with the financial support of the European Union and the Council of Europe. Its contents are the sole responsibility of the author(s). Views expressed herein can in no way be taken to reflect the official opinion of the European Union or the Council of Europe.

The report was prepared by Maida Ćulahović and Deirdre Kevin, Council of Europe Consultants. Participants in the Regional Peer Exchange were invited to provide input on this report; their feedback has been incorporated into the final version.

www.coe.int/freedomofexpression

TABLE OF CONTENTS

List of Abbreviations.....	2
Introduction	3
1. Session I - Regulatory standards on Harmful Content: European and Global Trends.....	4
1.1. Overview of the recent developments in the implementation of key standards -Digital Services Act (DSA)	4
1.2. Council of Europe Standards	6
1.3. Key points discussed during Session I	7
2. Session II - Towards DSA Alignment in the Western Balkans: From Analysis to Action	9
3. Session III – National Practices: Comparative insights from EU Member States	11
3.1. The perspective of the Hellenic Telecommunications & Post Commission (EETT).....	11
3.2. The work of the National Council for Radio and Television (NCRT).....	11
3.3. The Italian Communications Authority (AGCOM)	12
4. Session IV – Building a Common Agenda: From Dialogue to Action.....	15
References, resources and studies	17

List of Abbreviations

AGCOM	Italian Communication Authority (Italy)
AMA	Audiovisual Media Authority (Albania)
AMU	Agency for Audiovisual Media Services (Montenegro)
AVMSD	Audiovisual Media Services Directive
AVMU	Agency for Audio and Audiovisual Media Services (North Macedonia)
CJEU	Court of Justice of the European Union
CoE	Council of Europe
CRA/ RAK	Communication Regulatory Agency (Bosnia and Herzegovina)
DSA	Digital Services Act
DSB	Digital Services Board
DSC	Digital Services Coordinator
EETT	Hellenic Telecommunications & Post Commission (Greece)
ECTT	European Convention on Transfrontier Television
EMA	European Media Board
EMFA	European Media Freedom Act
EU	European Union
IMC	Independent Media Commission
NCRT	National Council for Radio and Television (Greece)
RA	Regulatory Authority
REM	Regulatory Authority of Electronic Media (Serbia)
T&C	Terms and Conditions
TTPA	Transparency and Targeting of Political Advertising (Regulation (EU) 2024/900)
VLOPs	Very Large Online Platforms
VLOSEs	Very Large Online Search Engines
VSPS	Video-sharing platform service

Introduction

The Regional *Peer Exchange on regulatory approaches to harmful content online, with a focus on alignment with European standards including the Digital Services Act (DSA)* took place on 9 October 2025. This was a follow up to the [Regional event which took place on 25-26 June 2024 Budva, Montenegro](#) that focused on the role of regulators in countering harmful content. These events are carried out under the project - Protecting Freedom of Expression and of the media (PROFLEX).

The event was attended by representatives of the six media Regulatory Authorities (RAs) in the Western Balkans, as well as representatives of the Council of Europe, and three external experts from EU regulators: Greek National Council for Radio and Television, the Hellenic Telecommunications & Post Commission (EETT) and the Italian Communications Authority (AGCOM). The event was supported by presentations and moderation from two Council of Europe Experts.

The previous [Peer Exchange event in Budva](#) took place over two days and had an in-depth focus on (among others): the Digital Services Act; the European Media Freedom Act; key definitions around disinformation and harmful content; regulation of media coverage of elections; governance, resources and expertise of the RAs; communication with large online platforms; cooperation networks; formal cooperation procedures at the EU level; types of media regulatory networks and the potential for future cooperation in the region.¹

The event was opened by the Council of Europe and a brief overview of work in the region under the Regional PRO-FREX project was outlined. The new Council of Europe initiative [RESIST - Strengthening Societal Resilience to Disinformation in Europe](#) was also presented: it is an initiative to bolster democratic resilience by addressing disinformation as one of the most pressing threats to democracy in Europe today.

The commitment to combating disinformation is also reflected in the [New Democratic Pact for Europe](#). As the Council of Europe's own response to the challenges of democratic backsliding, the Pact will comprise several pillars aimed at strengthening democratic resilience and will go hand in hand with the EU's European Democracy Shield initiative.

The key aims of the Athens event were outlined as follows:

- to provide an update on implementation of the standards;
- to share experiences and in particular to benefit from practices and insights from other EU regulators;
- to update the participants on a range of studies and recommendation regarding the approach to implementing the DSA and other standards in the region; and
- to move forward after the discussions in Budva and discuss what specific actions should be carried out.

¹ A comprehensive report on the two day event in Budva served as a background document also for the discussions at the event in Athens: [The Role of Regulators in Countering Harmful Content. Western Balkans Regional Peer Exchange for Regulatory Authorities. Budva, Montenegro 25-26 June 2024.](#)

1. Session I - Regulatory standards on Harmful Content: European and Global Trends

The first session of the event focused on the relevant European standards with regard to harmful content looking at both EU and Council of Europe standards and the recent developments regarding their implementation.

1.1. Overview of the recent developments in the implementation of key standards - Digital Services Act (DSA)

As the previous Peer Exchange had looked in detail at the Digital Services Act (DSA), just a brief reminder was provided regarding the nature of this regulation. The aims of the DSA are broadly to ensure a safe, predictable and trusted online environment. The DSA is a horizontal tool intended to deal with illegal content and services on intermediary services, which included online platforms such as video-sharing platform services (VSPS) and social media platforms. The DSA supports the implementation of several EU legislative acts including the AVMS Directive and those relevant to consumer protection, data protection, online commerce etc., and hence it requires cooperation across a range of bodies and authorities at the domestic level.

Many of the measures overlap with the requirements for VSPS and measures to be used outlined in the AVMS Directive including terms and conditions (T&C) for users, protection of minors, trusted flaggers, complaints systems etc. The Act has a graduated approach to placing obligations on services. In summary, this approach works in two ways: in terms of engagement with the content (modification or organisation) and in terms of size and impact. The highest level of obligations are focused on the very large online platforms (VLOPs) and the very large online search engines (VLOSEs). The European Commission has designated a range of services that qualify as such large platforms. These are mainly based in Ireland and the Netherlands (with several in Luxembourg, Cyprus and the Czech Republic).

Key principles and standards outlined in the DSA focus on Transparency, User Empowerment, Accountability, and (for the larger platforms) the responsibility of Risk Assessment and Mitigation of Risks. Transparency is relevant for users, for society in general, for regulators and for researchers. It is achieved in various ways: contact points, legal representatives, terms and conditions, and transparency regarding content moderation and decisions, and algorithms (recommender systems). User empowerment is intended to be supported via various tools and mechanisms: Complaint systems, flagging, trusted flaggers, media literacy, control on personalisation options, parental controls, age verification, online interface design (which should not manipulate user choices). Online platforms are required to be accountable via reporting. Reports on moderation activities of platforms are published on the DSA Transparency database. The large platforms are subject to independent audits, and they are also required to provide access to data for 'vetted researchers' (see further below). Risk assessment and the mitigation of risks relates to both illegal content and other content that poses risks to threats to fundamental rights; on civic discourse and electoral processes, and public security; risks relate to gender-based violence, the protection of public health and minors and serious negative consequences to the person's physical and mental well-being (see further below).

It was emphasised that in discussing harmful content it is important that the distinction between what is illegal and harmful and what is not illegal is always borne in mind. The DSA

(Recital 12) explains what can be considered as ‘illegal content’ on the basis of relevant EU and domestic laws (including):

*“.. illegal hate speech, terrorist content and unlawful discriminatory content – or that the applicable rules make illegal in view of the fact that it relates to activities that are illegal. Examples include the sharing of images depicting child sexual abuse, the unlawful non-consensual sharing of private images, online stalking, the sale of non-compliant or counterfeit products, the sale of products or the provision of services in infringement of consumer protection law, the non-authorized use of copyright protected material, the illegal offer of accommodation services or the illegal sale of live animals”.*²

As noted above, the large platforms are obliged to identify risks on their platforms and mitigate those risks. The risks include the distribution of illegal content, goods and services, and also content that potentially presents threats to: fundamental rights; civic discourse and electoral processes, and public security; risks related to gender-based violence, the protection of public health and minors and serious negative consequences to the person’s physical and mental well-being. The presentation also looked briefly at other classifications of harmful content such as under the Online Safety Code in Ireland and the Online Safety Act in the United Kingdom. Both of these deal with illegal content and also a range of other content (among others): cyber-bullying, promotion or encouragement of eating disorders, methods of self-harm or suicide (including behaviour prejudicial to the health or safety of children, such as dangerous challenge. The implementation regarding large platforms is largely the responsibility of the European Commission in cooperation with national Digital Services Coordinators (DSC) and with the Digital Services Board (DSB). Regarding the development of the implementation of the DSA in the EU Member States, the presentation provided a brief overview of the types of institutions that had been designated as Digital Services Co-ordinators (DSCs). The most common are communications (telecoms) regulators, followed by media regulators and then converged (media and telecom regulators).

The key tasks of the DSCs include: mapping their market to identify relevant national services; awarding the status of trusted flaggers; certifying ‘out-of-court dispute settlement bodies’; providing a single contact point in the Commission, the Board, other DSCs; coordinating and cooperating with other relevant national authorities; co-operation procedures with other DSCs; Reporting of activities. As regards the DSC; it should have powers of investigation including the power to request information from services. In addition, the independence of the DSC (as is the case for all regulators) should be guaranteed and ensured that it has sufficient funds, resources, powers and expertise.

A brief overview of the types of ‘trusted flagger’ organisations that had already been designated by the EU Member State DSCs was also provided. The main areas of focus include intellectual property, protection of minors, and organisations that flag one or all of the following: hate speech, cyberviolence, and discrimination. Data protection, consumer protection and privacy issues are also key areas for trusted flaggers. Seven countries have established ‘out

² 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). <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32022R2065>

of court' dispute settlement bodies. Of interest is the fact that both the Greek and Italian bodies can deal with disputes in a wide range of languages.

Several important Guidelines and designated Acts have been published by the European Commission including 'Guidelines for providers of VLOPs and VLOSEs on the mitigation of systemic risks for electoral processes' and the incorporation of previous codes of practice (on Countering Hate Speech and on Disinformation) into the DSA as Codes of Conduct.

The presentation by providing an preview of discussions to follow, starting with the key overview of the CoE work on a new recommendation on online harm. The meeting also aimed to provide an opportunity to learn from the work of Italy (the DSC is the converged regulator AGCOM), and Greece (the DSC is telecoms regulator and we will also hear about the role of the Media Regulator and cooperation between both).

1.2. Council of Europe Standards

The presentation focused on the current work of the Committee of Experts on the Online Safety and Empowerment of Users and Content Creators (MSI-eSEC), tasked with preparing draft Recommendation on online safety and empowerment of content creators and users. The draft Recommendation was open to public consultations over the summer 2025, and its finalisation is expected by the end of the year.

The focus of draft Recommendation is on addressing online risks that result from or impact on the exercise of the right to freedom of expression. Once adopted, the Recommendation is intended to guide Member States in the adoption, implementation, and enforcement of policy and legal frameworks, as well as other measures that address risks to online safety. The draft sets out key principles for legal frameworks, distinguishing between content rules, internet liability rules, and rules for online safety and platform accountability. The overarching principle is that States should clearly distinguish between responses to risks posed by dissemination of legally restricted (the term which covers both illegal and legal but regulated content) and lawful content. It is also recognised that tackling online safety solely through content restriction rules and the enforcement of liability of users and platforms is insufficient to meet the challenges of promoting an enabling online environment for users and content creators. Lawful content should be therefore addressed through alternative, proportionate ways of mitigating risks, including user empowerment and platform accountability frameworks.

Large emphasis is therefore put precisely on accountability of platforms, acknowledging that measures taken by platforms, including through content curation, removal and moderation, as well as their design choices, can interfere with the enjoyment of freedom of expression and other rights, or negatively affect user safety. In particular, online platforms that manage, curate, or otherwise actively engage with content, for example through selection, filtering, prioritization, promotion, or recommendation, including via algorithms, should be subject to the higher level of duties and responsibilities. This responsibility goes beyond merely responding to knowledge of specific pieces of legally restricted content. It should also extend to their obligation to assess and mitigate the systemic risks their services pose in contributing to the dissemination and amplification of such content, as well as the potential negative impact on freedom of expression, pluralism and diversity of content.

Platforms' responsibility has been clearly recognised by the ECHR in the case of *Google LLC and Others v. Russia*³, which explicitly addressed the rights and responsibilities of a major online platform under Article 10. In particular, in paragraph 95 of the judgement, the Court noted the following:

“When internet intermediaries manage content available on their platforms or play a curatorial or editorial role, including through the use of algorithms, their important function in facilitating and shaping public debate engenders duties of care and due diligence, which may also increase in proportion to the reach of the relevant expressive activity”.

The Draft Recommendation sets out a number of duties that legal frameworks for platform accountability and user empowerment should contain. These relate to design-related duties (e.g. duty to design services in a way that allows users to personalise their online experience, or to employ effective age assurance tools); transparency-related duties (e.g. related to their content moderation practices, or allowing access to data for researchers); fair process duties (such as having clear contractual rules, allowing the possibility to challenge content moderation decisions) and collective action-related duties (e.g. flagging of breaches of contractual rules, notices of potentially legally restricted content, cooperation with professional flaggers/notifiers).

The Draft Recommendation also contains certain principles for content creators, acknowledging their responsibility to contribute to a healthy, informed, and democratic public discourse. However, it is recognised that the level of their responsibility may vary depending on the nature and form of the content and its contribution to debate on matters of public interest. The highest degree of responsibility should lie with those content creators that reach a significant audience or claim professional expertise.

Particularly relevant to regulatory authorities, one of the recommendations to the States is precisely to ensure that regulatory authorities tasked to supervise, implement, or enforce the legislative framework for online safety, accountability and empowerment are independent in law and practice, are adequately resourced, rely on evidence, and always carefully consider the types of risks which they are supervising.

1.3. Key points discussed during Session I

The participants discussed collaborations in relation to preparation for DSA alignment. The experience from Montenegro was outlined, where the Ministry of Culture established a working group. There is a Council of Europe legal expert working with the Group, which includes a wide range of stakeholders. Challenges that arose included: realisation that EMFA cannot be transposed via amendments to media laws. Some elements are not part of media law such as the prohibition of surveillance of media workers which should be under the Criminal procedure code. The exceptions to this prohibition need to be considered very carefully in case the interpretation could lead to infringements of freedom of expression and rights to privacy.

It was emphasised that the Council of Europe Recommendation currently being finalised (and discussed in the second presentation) could prove very useful for countries in the region in developing legal and regulatory frameworks for platform accountability. However, it was noted that regulation alone cannot address the challenges of democratic erosion and in that context,

³ ECtHR, judgment, *Google LLC and Others v. Russia*, App. no. 37027/22, 08 July 2025.

the relevance of the New Democratic Pact for Europe was highlighted as an important tool to mobilise different stakeholders and provide support in fighting disinformation.

A further issue that arose for the Montenegro working group is that while mapping gaps in the law they realised that changes would impact up to ten other pieces of legislation.

The need for a more comprehensive approach to alignment was discussed, whether through the adoption of a dedicated strategy or an implementation framework law. Guidance from the European Commission was also emphasised as an important element in this process.

There were also discussions around the concept of 'content creators'. Several regulators have developed thresholds regarding the levels of reach that would bring an influencer under the regulatory regime. In Montenegro this is 100, 000 followers. In contrast, in Italy this is 500,000 followers. This reflects the difference in size of the countries and also the fact that already 500,000 influencers have been identified in Italy.

A key problem discussed was the capacity and sustainability of CSO organisations who should play a crucial role in the implementation regulations such as the DSA and in efforts to tackle harmful online content. It was emphasised that CSOs needed long term support potentially via a type of sustainability funding scheme.

The challenge of establishing cooperation with platforms for authorities and regulators in the region was also discussed.

There are also issues with regard to awareness of the DSA, its purpose and the need for alignment, including among legislators and policy-makers, as well as misguided expectations about the role and powers of the future DSC. Regulators could help raise these issues, but it ultimately depends on political commitment. For regulators, they still frequently face the challenge of convincing legislators to fulfil their obligations to nominate and select the Board of the regulators. This leaves the authorities blocked in their decision-making processes. For this reason they see even greater obstacles in trying to engage with legislators regarding moving forward on DSA alignment.

In terms of implementation, the regulators face challenges in increasing the level of staff and expertise even where they have resources. It is difficult to attract skilled people to work at the regulators given the levels of remuneration in comparison to the private sector.

One area of action which could potentially be supported by the Council of Europe would be facilitating training and the development of mentorship programs to build a pool of experts regarding regulation of online harm. This could be achieved via cooperation with already existent academies in the various countries. A current area of work of the Council of Europe concerns training the judiciary on SLAPPs and hence this could also be extended to training on harmful and illegal online content, and the relevant European standards - including procedures to block content.

2. Session II - Towards DSA Alignment in the Western Balkans: From Analysis to Action

Over the past year, several research projects and studies on DSA alignment have been conducted across the region, including those led by civil society organisations. The session was dedicated to discussing these studies and their main findings, conclusions, and recommendations.

One ongoing study, currently being prepared by UNESCO, focuses on the regulation of social media platforms and online media in the Western Balkans and Türkiye. Although the study has not yet been published, consultations with stakeholders from all six Western Balkan beneficiaries were organised in June 2025, with some of the attending representatives coming from regulatory authorities.

The consultations revealed that the entire region faces a number of persistent challenges related to social media platforms, from difficulties in establishing communication with the platforms to ineffective mechanisms for reporting illegal and harmful content and appealing moderation decisions. Additionally, content moderation practices are often not adapted to local contexts and languages, and there is a lack of transparency regarding moderation policies and the availability of moderators proficient in local languages.

Stakeholders across the region agreed on the need for comprehensive, rights-based legal frameworks for digital governance. EU regulations, DSA and EMFA, are seen as essential foundations for future legislative and regulatory reforms. However, there are concerns about limited institutional capacity and expertise needed to undertake complex reforms. Regulatory bodies should be provided with adequate resources and capacity to properly assess and implement measures concerning platform regulation.

The consultations also highlighted several concerning developments in the region, such as the introduction of restrictive legislation under the pretext of combating disinformation and hate speech, which can have a chilling effect on media freedom and freedom of expression. To prevent such tendencies, participants widely agreed that all legislative and regulatory frameworks governing social media platforms and online media should be based on a human rights approach, consistent with international standards and the EU acquis, with clear safeguards for freedom of expression. States and entities should refrain from adopting restrictive laws or decisions under the pretext of protecting citizens from harmful content.

Three contributions made by the civil society were also presented and discussed during the session:

1. Towards a Feasible Implementation of the Digital Services Act in the Western Balkans (2024). This study examined the regulatory and institutional preparedness for DSA harmonisation in the Western Balkans and mapped relevant legislative and institutional frameworks in all six countries of the region. It emphasised that implementation and alignment with the DSA must be based on a cross-sectoral, collective, and participatory process, and cautioned that these processes should not be weaponised to restrict media freedom. The study highlighted the need for legal certainty, urging that vague or open-ended provisions be avoided. It also stressed the importance of checks and balances within DSA-related provisions, with a particular focus on ensuring the independence of DSA design and enforcement.
2. DSA, DMA, AIA and Western Balkans: Normative Foundation, Enforcement Mechanisms and Institutional Framework (2024). This study provides a comparative assessment of existing domestic legislation in the Western Balkan countries. Its main contribution lies in mapping a wide range of legal instruments that correspond to or could serve as a foundation for future alignment with the DSA, DMA, and AI Act. The assessment

showed that while some domestic rules related to digital services and markets align with EU principles, they do not provide an adequate regulatory response to the challenges of today's digital environment. The identified provisions are generally outdated, limited in scope, and dispersed across numerous laws, strategies, decisions, bylaws, and other documents, which prevents a systematic approach to digital regulation.

3. Readiness of Regulators in the Digital Environment for the Requirements of the DSA, DMA, and AI Act: Analysis of institutional capacities in BiH and Serbia (2025). This study explored the extent to which existing institutional capacities in Bosnia and Herzegovina and Serbia meet the requirements of the new EU regulatory framework, and identified what is needed to strengthen them. Its findings confirmed that current institutions lack the necessary specialised technical expertise, financial and human resources, and inter-institutional cooperation mechanisms required for effective implementation. The study calls for strategic strengthening of independent regulatory infrastructures, including institutionalised cooperation, knowledge sharing, and continuous education programs in areas such as algorithmic transparency, digital forensics, risk assessment, and the protection of fundamental rights in the digital space. Another key conclusion is that a strategic regional decision should be made on how to approach the implementation of provisions that fall primarily under the competence of the European Commission. The study recommends that, in the initial phase, the focus should be on implementing provisions within the competence of Member States, followed by a gradual plan for the possible transposition of provisions under the Commission's remit. Although this study focuses on institutions in Serbia and Bosnia and Herzegovina, its findings may be relevant for other Western Balkan beneficiaries as well.

3. Session III – National Practices: Comparative insights from EU Member States

In the third session, an overview of the experience of Greek and Italian regulators in the actual implementation of the DSA was provided.

3.1. The perspective of the Hellenic Telecommunications & Post Commission (EETT)

The representative from the Greek telecommunications regulator, the EETT, provided a brief overview of the DSA. The EETT has been designated as the Greek Digital Services Co-ordinator. It was noted that while the European Commission has the exclusive competence to monitor the very large platforms in relation to their risk assessment and mitigation obligations, the European Commission can also open proceedings in other areas where the DSC of the country of establishment has not acted (an example cited concerned protection of minors and Facebook).

The Greek DSC monitors services established in Greece and for this purpose it was necessary to carry out a mapping of services. There are very few platforms established in Greece and complaints received by the DSC mainly concern the very large platforms. The Greek regulator works with two other key competent authorities: the Media Authority and the Data Protection authority. All three concluded a formal decision, have regular exchange of information and co-organise events and discussions.

Feedback has indicated that the system of cooperation between platforms and trusted flaggers has improved since the coming into force of the DSA. Regarding 'vetted researchers', there is still a need to raise awareness in order to ensure that relevant researchers become aware of the possibilities to access and work with non-public platform data. The Greek DSC has designated three organisations as trusted flaggers. Regarding the financing of EETT for its DSC activities, the revenues EETT collects from the registry for internet domains in Greece are partly used (in accordance with the national law) in the funding of the work on the DSA.

3.2. The work of the National Council for Radio and Television (NCRT)

The presentation from the Greek Media Authority focused on the tools already available for dealing with illegal content with an emphasis on Articles 28a and 28b of the Audiovisual Media Services Directive. Regarding other legislative Acts, the European Media Freedom Act was also mentioned in relation to the transparency obligations on media services the cooperation procedures under Articles 14 and 15 which allow for exchange of info between regulators in relation to AVMS providers and VSPs as well as their collaboration on cross-border cases and the Media "Privilege", under art. 18, which obliges VLOPs to treat "favourably" those media services that "are subject to regulatory requirements for the exercise of editorial responsibility". The EU regulation on the Transparency and Targeting of Political Advertising (TTPA) was also emphasised as an important tool for supporting the integrity of election processes. The rules address: harmonised transparency obligations for providers of political advertising and related services to retain, disclose and publish information connected to the provision of such services; and harmonised rules on the use of targeting and amplification techniques in the context of the publication, dissemination or promotion of political advertising that involve the use of personal data.

The transparency rules include a ban on third country financing of political advertising in the 3 months prior to an election date. The AI Act also impacts media content as it requires labelling of AI generated content.

Specific advice provided in this presentation to the regional regulators included the recommendation to map the competences of other NRAs or governmental bodies with similar remit to identify: a) possible overlaps or 'legal vacuums' in the current legal frameworks and b) the available tools in place and the possibility to share them. It was also advised to bring 'fact checkers' and the academia to the regulator to train employees and in line with the approach taken in many countries, to establish a task-force.

On the issue of Vloggers and influencers and whether they qualify as audiovisual media services, it was highly recommended to review the work of the ERGA in this field. Another important area of work that was highlighted was the development of Media and Information Literacy (MIL) strategies, an area which is well developed in the region.

As regards connecting with platforms, it was also recommended to do this jointly and provide an overview of problems to inform the platforms and request a priority line/ or email for communication with platforms. In addition, it is worth remembering that platforms have obligations to promote MIL with users and hence, regulators could try to investigate how to get the platforms to work with them in these areas.

It was advised to try to allocate resources in the regulator where they are most needed and try to support the re-skilling of employees. Use tools such as AI as much as possible to reduce traditional workloads. In line with Article 10 (EMFA – check), the Greek state is considering to develop a symbol for media services that fall within the requirements of art. 18 (1d) in order to identify their content as privileged.

3.3. The Italian Communications Authority (AGCOM)

The key acts implementing the DSA in Italy were outlined alongside the practical daily challenges of implementing the Act.

The representative of the Italian converged regulator AGCOM, which also acts as the Digital Services Coordinator (DSC), highlighted the challenges related to funding the implementation of the Digital Services Act (DSA). In particular, the current funding model relies on a regulatory levy imposed on Italian information society service providers, which are relatively few in number. At the same time, the majority of the regulatory workload concerns complaints involving very large online platforms (VLOPs) and very large online search engines (VLOSEs), most of which are established in only a few EU Member States, notably Ireland, Malta, and Cyprus.

Overall, the discussion illustrated the country-of-origin principle that underpins the Digital Services Act (DSA), as well as the concepts of liability and non-liability of online platforms in relation to audiovisual media services.

As outlined by the Greek regulator, a key task for national authorities is mapping the services established in the country; in this regard, AGCOM also makes use of national statistics database and information from the tax authorities.

AGCOM, as Relevant Authority, is empowered under Articles 9 and 10 of DSA to request all intermediary service providers (pursuant to Articles 5, 6, and 7 of DSA) to remove illegal

content (art. 9) ex post and to provide information relating to one or more specific individual recipients of the service (art 10).

Likewise, in its role as Digital Services Coordinator, AGCOM communicates to all other European Digital Services Coordinators (DSCs) and to the European Commission not only the orders it adopts in its capacity as the competent authority, but also all orders adopted by other relevant national judicial or administrative authorities (for example, the competition authority, the data protection authority, law enforcement authorities, etc.).

With regard to the protection of minors, Italy has adopted stricter rules than those required under Article 28 of the DSA. In particular, AGCOM's powers both ex ante and ex post were outlined.

With regard to ex post powers, reference was made to the regulation governing the removal of videos disseminated on any video-sharing platform, regardless of the platform's country of establishment. Indeed, although this area is, as noted, subject to the country-of-origin principle, it was explained that, under certain conditions and in compliance with the provisions of the E-Commerce Directive, it is nevertheless possible to order the removal of one or more videos whose content may cause harm, including serious harm, to minors. In this context, several cases that received significant media attention were cited, such as the so-called "French scar" challenge and the shutdown of a Russian propaganda channel.

With regards to ex ante powers, AGCOM's powers in the area of age verification were illustrated. In particular, age-verification systems are mandatory under Italian law for video-sharing platforms hosting pornographic content; where such systems are not implemented, the services may be blocked. AGCOM has substantial experience in this area, having regulated copyright infringements for many years, a field that has also involved the blocking of unlawful content.

Regarding the protection of minors, Italy has developed stronger rules than those required under Article 28 of the DSA. In particular, age-verification systems are mandatory under Italian law for video-sharing platforms hosting pornographic content; where such systems are not implemented, the services will be blocked. The AGCOM has significant experience in this process due to the fact that they have been regulating infringements of copyright for many years – which also involved the blocking of content.

Two case studies were presented concerning problematic Facebook pages affecting the dignity of women. These pages had been created to share private images without the victims' consent. Although the issues were ultimately addressed, significant challenges arose in ensuring direct communication and effective cooperation with the platform.

As an example of a national legal provision enforced within the DSA framework, the issue of gambling advertising, which is illegal in Italy, was also discussed. In this context, the first sanctions adopted at European level against video-sharing platforms (including YouTube, TikTok, Twitch, and Facebook) were illustrated. Finally, participants expressed particular interest in AGCOM's approach to the regulation of influencers.

As an example of a national law being regulated under the DSA, the subject of gambling advertising, which is illegal in Italy since 2018, was also presented. In this context, the first sanctions adopted at European level against video-sharing platforms (including YouTube,

TikTok, Twitch, and Facebook) were illustrated. Finally, expressed particular interest in AGCOM's approach to the regulation of influencers.

4. Session IV – Building a Common Agenda: From Dialogue to Action

The final session was dedicated to a discussion on the common challenges of aligning with EU digital policy instruments, strategies to address them, and the next steps for regional cooperation among media regulatory authorities, including the formulation of actionable conclusions and the development of concrete recommendations.

Several problems that were discussed in Budva were raised again by participants in relation to the independence, functioning and capacities of the regulatory authorities. For example, there are frequent delays in appointments and nominations and changes of the supervisory boards/ councils, which presents obstacles to the work of the RAs. Another issue concerns the recruitment and retainment of staff, particularly those with IT expertise who can earn far more in the private sector. A very common challenge is that of having sufficient human and financial resources to implement the relevant legislation and fulfil their remits.

It was also emphasised that the regulators need to focus on managing expectations and raising awareness regarding what role they play particularly as regards regulating online platforms. It is important that the relevant Government Ministries and Parliamentary Committees recognise that the regulators represent important expert bodies in the field. The regulator should always be part of Working Groups and discussions with regard to strategies and the development of legislative proposals.

Participants noted that challenges with DSA and EMFA alignment are more complex than those faced with the AVMSD, due to the required cross-sectoral approach and limited awareness among stakeholders of the implications of these instruments. Addressing these challenges requires regional cooperation, supported by a structured framework endorsed by the Council of Europe and the European Commission.

There were proposals to address the lack of awareness and/or understanding those characteristics of these instruments, and the allocation of competences, rights and obligations. This could be done by supporting the development of an 'orientation module' for DSA/EMFA/DMA or other parts of a digital policy toolbox, which could be used by training centres, digital academies or similar organisations in each of the countries.

The need to further discuss and implement funding schemes to ensure long-term and reliable support for involvement for stakeholders such as trusted flaggers and fact-checkers was also emphasized. Without systematic support from stable and predictable sources, their involvement is unlikely to be sustainable.

It was noted that the implementation of EU digital policy instruments should be integrated into the enlargement agenda of each beneficiary, tailored to the specific context and relevant chapters. For example, in Montenegro this could be reported under Chapter 23, while in other beneficiaries it might fall under Chapter 10. The need to be realistic about timelines was also emphasised. Rather than rushing into legislative changes simply to meet procedural milestones, it is better to allow sufficient time for preparatory work.

Participants highlighted the crucial role of the European Commission in mobilising platforms to show accountability and cooperation with the Western Balkans. Media regulators discussed how they could appeal to the European Commission for assistance in aligning with EU digital policy instruments.

Potential cooperation with regional bodies such as Regional Cooperation Council (RCC) and CEFTA was discussed. In particular, the Common Regional Market Action Plan 2025-2028 envisages measures aimed at facilitating harmonisation of the rules applicable to intermediary services in the Western Balkans market, and ensuring operational readiness for the implementation of the DSA and synchronisation with the EU market. The RCC has established a regional working group which will work on achieving this goal, and it was suggested that media regulators should collaborate with this group to raise topics of common interest.

With regard to next steps, it was suggested that the next Regional Peer exchange on these issues would include invitations for representatives of the platforms. This could be challenging as there had not been much success in securing their attendance at various meetings. A potential idea was proposed by the Council of Europe to establish cooperation with the Moldovan authorities, taking the opportunity of the Moldovan presidency of the Council of Europe Committee of Ministers, and to learn from their experience in engaging with very large online platforms.

In addition, it was considered important to invite representatives from the Irish regulator *Coimisiún na Meán* and from the OFCOM in the UK, as well as the Swiss regulatory authority. The inclusion of the Croatian and Slovenian regulators in future discussions was also considered to be of key importance.

Regarding a potential future visit to a EU regulator, the Council of Europe raised the possibility that a joint delegation would go, with representatives from all the regulators in the region.

Western Balkan regulatory authorities reiterated their call for sustained support, notably from the European Commission, in both aligning with the DSA and facilitating more effective communication with large online platforms.

During the event, regulators expressed their commitment, as a group, to the core principles underpinning the DSA, such as transparency, accountability, and user empowerment, and underlined the importance of coordinating at the regional level, exchanging information and best practices.

In this perspective, the present report will be communicated to relevant EU representatives in Brussels as well as to regional delegations and offices.

References, resources and studies

- Council of Europe Standards and Guidance and reports and studies
- CoE (2017): 'Information Disorder: Toward an interdisciplinary framework for research and policy making' <https://rm.coe.int/information-disorder-report-version-august-2018/16808c9c77>
- COE/ JUFREX (2017/ 2018): Media Regulatory Authorities and Hate Speech. <https://rm.coe.int/media-regulatory-authorities-and-hate-speech/16807338f5>
- Recommendation CM/Rec(2018)2 of the Committee of Ministers to member States on the roles and responsibilities of internet intermediaries https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680790e14
- Parliamentary Assembly, Resolution 2255 (2019) on public service media in the context of disinformation and propaganda, 23 January 2019. <https://pace.coe.int/en/files/25406/html>
- COE/ JUFREX (2022): 'Towards coregulation of harmful content online in Bosnia and Herzegovina. A study of European standards and co-regulatory practices for combating harmful content online'. By Deirdre Kevin and Asja Rokša- Zubčević. <https://www.coe.int/en/web/sarajevo/-/towards-the-co-regulation-of-harmful-online-content-in-bosnia-and-herzegovina>
- Recommendation CM/Rec(2022)16[1] of the Committee of Ministers to member States on combating hate speech https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680a67955
- CoE (2023): Guidance Note on countering the spread of online mis- and disinformation through fact-checking and platform design solutions in a human rights compliant manner. <https://rm.coe.int/cdmsi-2023-015-msi-inf-guidance-note/1680add25e>
- COE/ JUFREX (2024): The Role of Regulators in Countering Harmful Content. Western Balkans Regional Peer Exchange for Regulatory Authorities. Budva, Montenegro 25-26 June 2024. Prepared by Deirdre Kevin. <https://rm.coe.int/dc-foe-2024-21-the-role-of-regulators-in-countering-harmful-content-we/1680b3bea6>
- European Union legislation, codes, guidance, reports
- Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce'). <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32000L0031>
- Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) in view of changing market realities, as amended by DIRECTIVE (EU) 2018/1808. <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02010L0013-20181218>
- EU Code of conduct on countering illegal hate speech online. https://ec.europa.eu/newsroom/just/document.cfm?doc_id=42985
- European Union (2021): Mapping Fake News and Disinformation in the Western Balkans and identifying ways to effectively counter them. Prepared for the European Parliament AFET Committee (Committee on Foreign Affairs), [https://www.europarl.europa.eu/RegData/etudes/STUD/2020/653621/EXPO_STU\(2020\)653621_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2020/653621/EXPO_STU(2020)653621_EN.pdf)

- 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). <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32022R2065>
- 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. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52024XC03014&qid=1714466886277>
- Guidelines on measures to ensure a high level of privacy, safety and security for minors online, pursuant to Article 28(4) of Regulation (EU) 2022/2065 <https://digital-strategy.ec.europa.eu/en/library/commission-publishes-guidelines-protection-minors>
- 2022 Strengthened EU Code of Practice on Disinformation. https://commission.europa.eu/document/download/a2ac84d8-89d0-41dc-b480-db120ac9c376_en
- Regulation (EU) 2024/1083 of the European Parliament and of the Council of 11 April 2024 establishing a common framework for media services in the internal market and amending Directive 2010/13/EU (European Media Freedom Act) - Text with EEA relevance. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32024R1083>
- Regulation (EU) 2024/900 of the European Parliament and of the Council of 13 March 2024 on the transparency and targeting of political advertising. <https://eur-lex.europa.eu/eli/reg/2024/900/oj>
- Other reports, studies and documents
- Cabrera Blázquez F.J., Cappello M., Talavera Milla J., Valais S., ‘User empowerment against disinformation online, IRIS Plus, European Audiovisual Observatory, Strasbourg, September 2022. <https://rm.coe.int/iris-plus-2022en3-user-empowerment-against-disinformation/1680a963c4>
- Share Foundation (2024): DSA, DMA, AIA and Western Balkans: Normative Foundation, Enforcement Mechanisms and Institutional Framework. https://sharefoundation.info/wp-content/uploads/SHARE_DSA-DMA-AIA-STUDY.pdf
- Open Society Foundation (2024): Towards a Feasible Implementation of the Digital Services Act in the Western Balkans (2024). <https://www.partners-serbia.org/public/news/dsa-wb-new.pdf>
- ZaštoNe/ Digital Rights and Freedoms (2025): Readiness of Regulators in the Digital Environment for the Requirements of the DSA, DMA, and AI Act: Analysis of institutional capacities in BiH and Serbia. https://drive.google.com/file/d/1MLWoGSvSFaLrh4Yh_kx1VfdU-942wxMO/view