



Key Recommendations of the Thematic Working Group on Digitalization and Connectivity

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Led by
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About the process

These recommendations stem from consultations with over 30 participants from organizations and institutions working in areas like digital rights, media development, information integrity, democracy building, fact-checking, technology and others. The group had met 2 times and had regular online communications, as well as individual consultations on policy recommendations. Wider consultations were also held with 79 stakeholders like representatives of EU institutions, institutions of the governments in the region and EU based NGOs. Closed consultation meetings were also held, one with a group of CSO members of European Digital Rights Initiative (EDRI) and another with members of the SEECheck network. Two public events with 257 attendees also took place during the process a panel discussion at the POINT conference in Sarajevo, and one during the Digital Rights Summer School in Kotor. The group facilitators had advocacy meetings with representatives of EU institutions in Brussels, German ministries in Berlin, and individual meetings with decision makers, both at Bled Strategic Forum, and through visits to institutions in the region. UG Zašto ne facilitated the consultation process, alongside a core group of experts from each of the six Western Balkan countries.

The group focused on the EU Digital Services Act (DSA) and the Strengthened Code of Practice against Disinformation (CoP), regulatory and self-regulatory instruments (respectively) developed in the framework of the EU and EEA market to create a safer online environment and better protection of users on Very Large Online Platforms (VLOPs) and Very Large Online Search Engines (VLOSEs). It is of urgent importance that the Western Balkan (WB) countries implement key principles and mechanisms of DSA to ensure that its benefits, such as a safer online environment and a better protection of users, are felt in our countries. Equally urgent is a strong regional framework for strengthening information integrity, particularly on VLOPs that have become an irreplaceable trackway for information traffic, but do not come with the same safety measures laid out for the EU and EEA market in the CoP.

Citizens of the Western Balkans countries are significantly exposed to illegal and harmful content online - including disinformation that is “an endemic and ubiquitous part of politics throughout the Western Balkans, without exception”;¹ it threatens their security and wellbeing. Countries in the region also face regulatory challenges and difficulties in tackling illegal and harmful content online, lack functional mechanisms to protect citizens from illegal and harmful content, and are unable to protect their rights as users and consumers of digital services.² Lack of platform accountability plays a major role as well. While the way very large online platforms operate continues to provide de facto financial incentives for disinformation-based business models³ and allows for the proliferation of harmful content, platforms do not have legal representatives in the majority of Western Balkan countries, nor efficient contact points for relevant stakeholders who deal with online safety and security. This has created vast gray areas in the regional digital market, which negatively affects media credibility and information integrity, jeopardizes democratic processes, exacerbates foreign influence operations and creates risks for consumer safety and citizens’ rights online.

For the EU Digital Services Act (DSA to have full effect, its implementation) or the creation of an equivalent legal instrument tailored to the region would need to have the backing and support of the European Commission and the EU member countries, especially when it comes to ensuring its implementation and compliance on the side of VLOPs and VLSEs.

In that light, the Western Balkans working group for connectivity and digitalization recognizes a much needed impetus for these goals in the announcement of the European Commission President Ursula von der Leyen that the EU should take steps toward the region, particularly in terms of bringing it closer to the EU single market⁴ and joining some important areas of the digital single market. As pointed out by President von der Leyen in the New Growth Plan for the Western Balkans, the Commission and the EU member states should “bring some of the benefits of the EU membership to the people of Western Balkans already today” - the area of digital single market is a perfect starting point for that approach.

¹ Mapping Fake News and Disinformation in the Western Balkans and Identifying Ways to Effectively Counter Them, Policy Department for External Relations, Directorate General for External Policies of the Union, February 2021

² See, for instance: Regulation of Harmful Content Online in Bosnia and Herzegovina Between Freedom Of Expression And Harms To Democracy, Mediacentar Sarajevo, 2022

³ For example, over 60% of articles flagged for disinformation in the Balkans countries were still monetized by Google - the largest percentage in all of Europe. See: How Google’s Ad Business Funds Disinformation, ProPublica, 2022

⁴ Von der Leyen presents 4-pillar plan to bring Western Balkans closer to the EU, European Western Balkans, 2023

1. ACCELERATE AND FACILITATE THE ENTRANCE OF THE WESTERN BALKANS COUNTRIES INTO EU DIGITAL SINGLE MARKET

Western Balkans governments and the Regional Cooperation Council (RCC) should:

- Work towards establishing regional digital market that will ensure a seamless transition into EU digital market;
- Base their digital targets on the EU's Digital Decade Policy Programme and adhere to the declaration, as discussed at the Second Regulatory Dialogue between the EU and the Western Balkans;⁵
- Initiate and coordinate a regional-level cooperation to map and establish the region's maturity and preparedness to enter the digital single market, including:
 - determining building blocks needed for the DSA and DMA to be meaningfully and effectively implemented in individual countries and in the regional market;
- Actively involve the civil society and expert community in these processes.

The European Commission and EU member states should:

- Accelerate and facilitate the process of establishing the regional preconditions for the Western Balkans to enter the digital single market;
- Ensure that the entire region advances at the same pace wherever possible, including:
 - Supporting the synchronized, coordinated and unified approach to strengthening the regional digital market;
 - Supporting Bosnia and Herzegovina and Kosovo to sign association agreements that includes their participation in the Digital Europe Programme,⁶ so that they join Albania, Montenegro, North Macedonia, and Serbia which already did this in June of 2023

Civil society should:

- Build a multi-stakeholder coalition with regional representation to actively participate and monitor the mapping of digital preparedness in individual countries and in the regional market;

⁵ Second Regulatory Dialogue between the EU and the Western Balkans | Shaping Europe's digital future

⁶ The Digital Europe Programme

2. APPLY THE DSA OR AN EQUIVALENT REGULATORY INSTRUMENT IN THE WESTERN BALKANS REGION

Western Balkans governments and the RCC should:

- Approach the European Commission to clarify their specific position regarding the DSA implementation, in light of the candidate countries' obligation to implement the DSA, as part of the EU acquis, into their legal frameworks. This should include:
 - a. defining modalities of cooperation with the Commission, other national competent authorities, and Digital Services Coordinators (DSCs);
 - b. defining modalities of cooperation with VLOPs and VLSEs that offer their services in the region;
 - c. exploring possibilities of engagement within the European Board for Digital Services, following the example of European Regulators Group for Audiovisual Media Services (ERGA) and Body of European Regulators for Electronic Communications (BEREC) in which the candidate countries can participate as observers without voting rights.
- Work within a regional framework that regulates illegal and harmful content, including through the establishment of supervision and enforcement mechanisms.
 - d. Assume a coordinated approach that could lend the region a much stronger voice in communication both with the European Commission and the online platforms
 - e. Refrain from adopting individual, national legislation, as diverging national laws negatively affect the internal market, considering the inherently cross-border nature of the internet, which is generally used to provide digital services.
- Designate politically independent competent authorities - Digital Services Coordinators (DSCs) in a manner that would guarantee most efficiency, but also involve multiple stakeholders:
 - f. A Civil society, media organizations, academia, independent researchers and other relevant institutions can contribute with their relevant expertise and experience in dealing with different aspects of digital services and platforms and need to be meaningfully included in the work of these bodies;
 - g. The cooperation should be formalized, with respective roles and tasks of each stakeholder clearly defined.

The European Commission and EU member states should:

- Make a clear commitment to support full DSA implementation in the Western Balkan countries and allow the citizens of these countries to enjoy the same level of safety and protection online as the EU citizens.
- Insist on establishment of multi-stakeholder DSCs and a regional coordinated approach to regulation of illegal and harmful content.
- Include DSCs from the Western Balkan countries in the cooperation and coordination mechanisms envisaged under the DSA, such as requesting action from the DSC for the establishment of and participation in joint task forces, joint investigations and mutual assistance mechanisms.
- Request the VLOPs and VLOSEs to:
 - Extend their obligations under the DSA to their operations in the Western Balkan countries, including the obligations of cooperating with DSCs, trusted flaggers and vetted researchers to ensure due attention to local contexts, circumstances and languages, as well as legal obligations to report suspected criminal offenses and take down illegal content.
 - Include the regional countries in transparency reporting
 - Cooperate with regional law enforcement authorities, as well as DSCs and trusted flaggers designated by these authorities, in order to guarantee a high level of protection against illegal content disseminated online.

Civil society should:

- Take an active role in the work of DSCs, providing continuous participation and expert support for the regional regulatory framework and communication with online platforms.
- Build region-wide multi-stakeholder coalitions to advocate for VLOPs to make a commitment to grant the Western Balkan citizens the same level of protection and rights as in the EU countries, regarding transparency of their operations and content moderation activities (terms of use in the languages spoken in the region, including the region in their transparency reports, granting access to vetted research from the region, etc.).

3. ADVOCATE FOR THE VLOPS AND THE VLSEs TO EXPAND THE CODE OF PRACTICE AGAINST DISINFORMATION (COP) COMMITMENTS TO THE WESTERN BALKANS REGION

Western Balkans governments and the RCC should:

- Engage with the European Commission in obtaining their assistance and support for the process of getting the platforms to commit to implement CoP in the Western Balkans.
- Initiate and coordinate a regional-level cooperation to approach online platforms in a coordinated and synchronized manner
- Insist on a regional approach to following CoP or equivalent set of commitments for the the region as a single digital market

The European Commission and EU member states should:

- Request the VLOPs and VLOSEs to expand the efforts taken under the CoP to the Western Balkans countries in order to:
 - Prevent the spread of harmful content such as disinformation, hoaxes and manipulation, especially in information crises that pose a serious threat for public health and security (e.g., a pandemic, a war, or a threat to democratic processes such as the elections);
 - Demonetize disinformation and establish functional cooperation with fact-checkers and researchers;
 - Adopt and implement a regional approach to following the CoP or an equivalent set of commitments and treat the entire region as a single digital market;
- Support civil society and anti-disinformation practitioners in their efforts to promote platform accountability.

Civil society should:

- Utilize existing networks and partnerships in the region⁷ to strengthen relationships with stakeholders already included in the implementation of the CoP, such as the European Standards Fact-checking network.
- Continue advocating for the CoP or equivalent commitments to be 1) requested from the European Commission and regional governments and 2) accepted by the VLOPs and VLOSEs.

⁷ This includes already established networks and coalitions such as SEE Check (<https://www.seecheck.org>), SEE Digital Rights (<https://www.seedigitalrights.network/>), Coalition for Freedom of Expression and Content Moderation in Bosnia, etc.