

Input by the Civil Liberties Union for Europe on recurrent and prominent systemic risks in the EU and on measures for their mitigation

The **Civil Liberties Union for Europe** (Liberties) is a Berlin-based civil liberties group with 22 member organisations across the EU campaigning on human and digital rights issues including the rule of law, media freedom, SLAPPs, privacy, targeted political advertising, AI, and mass surveillance. In the context of the Digital Services Act (DSA), our focus is on safeguarding democratic civic discourse and the integrity of electoral processes.

Contact: Dr. Orsolya Reich, senior advocacy officer, o.reich@liberties.eu

QUESTION 1

The report to be published once a year by the European Board for Digital Services in cooperation with the Commission pursuant to Article 35(2) DSA should outline the **most recurring and prominent risks** stemming from VLOPs and VLOSEs.

1. Please provide any information you have that is suitable for identifying and assessing systemic risks you find potentially prominent or recurrent. The submission can consist e.g. of studies (conducted by yourself or third parties), samples of typical constellations occurring at the use of the service and relevant findings or conclusions in regards of (typical) practical experiences made by users you represent or are aware of.
2. Where available, please include information about what makes the risk prominent or recurrent.
3. Please specify whether the information you provide relates to a single Member State, to several Member States or whether it applies to the entire Union.
4. Please refer to any existing documentation, research or resources that could help substantiate the evidence you provide.

In late 2023 - early 2024, the [Civil Liberties Union for Europe](#) and the [European Partnership for Democracy](#) conducted a comprehensive risk analysis of Very Large Online Platforms (VLOPs) and Very Large Online Search Engines (VLOSEs) regarding their impact on civic discourse and electoral processes. Our findings highlight several systemic risks that persist across EU Member States:

- **Disinformation and Misinformation:** One of the most prominent risks arises from the spread of disinformation and misinformation across VLOPs and VLOSEs. This issue is recurrent due to the amplification effect of recommendation algorithms, which can prioritize sensational, misleading, or false content.
- **Political Advertising and Undisclosed Targeting:** The lack of transparency in political advertising, especially when coupled with micro-targeting algorithms, remains a significant risk. VLOPs and VLOSEs are often used to spread targeted political ads without clear disclosure of the political interests behind them, which undermines the

integrity of democratic processes¹. This issue is recurrent across the European Union, particularly during election periods, and it is amplified by the lack of effective monitoring and enforcement. Studies show that micro-targeted ads often exploit personal data to influence electoral outcomes covertly².

- **Polarization and Filter Bubbles:** Algorithmic systems that prioritize engagement over accuracy contribute to the polarization of online discourse. Filter bubbles and echo chambers exacerbate this effect by narrowing individuals' exposure to diverse viewpoints, reinforcing extremist ideologies, and further eroding trust in democratic institutions. Research has shown that such algorithmic bias reinforces political polarization by promoting sensational content, which leads to a fragmented public sphere³.
- **Exploitation of Platform Vulnerabilities:** There is a growing concern about the inauthentic use of VLOPs and VLOSEs, where foreign actors or domestic groups intentionally manipulate the platform's systems (e.g., using fake accounts or bots, or 'buying' influencers) to influence public opinion, disrupt elections, or promote divisive rhetoric. Studies have highlighted the prevalence of coordinated inauthentic behavior (CIB) campaigns, particularly during critical political events like referenda and elections, where malicious actors aim to undermine trust in democratic processes and sow division⁴.

You can find the whole report here:

- Policy paper on identifying, analysing, assessing and mitigating potential negative effects on civic discourse and electoral processes:
<https://www.liberties.eu/f/mpdgy5>

¹ *Open Letter: Weaknesses in Google's Ad Library Threaten European Election Integrity* (Berlin: Civil Liberties Union for Europe, 2024), <https://www.liberties.eu/f/tqmttl>

² Eva Simon, *Solutions for Regulating Microtargeted Political Advertising* (Berlin: Civil Liberties union for Europe, 2019), <https://www.liberties.eu/f/fy69vA>.

³ Lisa Maria Neudert and Nahema Marchal, *Polarisation and the Use of Technology in Political Campaigns and Communication* (Brussels: European Parliamentary Research Service, 2019), [https://www.europarl.europa.eu/RegData/etudes/STUD/2019/634414/EPRS_STU\(2019\)634414_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2019/634414/EPRS_STU(2019)634414_EN.pdf).

⁴ Kofi Annan Commission on Elections and Democracy in the Digital Age, *Protecting Electoral Integrity in the Digital Age* (Geneva: Kofi Annan Foundation, 2020), <https://www.kofiannanfoundation.org/wp-content/uploads/2024/04/Kofi-Annan-Commission-on-Elections-and-Democracy-in-the-Digital-Age-report-2020-english.pdf>.

QUESTION 2

The report to be published once a year by the European Board of Digital Services in cooperation with the Commission pursuant to Article 35(2) DSA should indicate **best practices for mitigation measures** implemented by the providers of VLOPs and VLOSEs.

1. Please provide examples of practices addressing any systemic risks you have identified, specifying to which systemic risks such measures relate.
2. Please refer to any existing documentation, research or resources that could help substantiate the information on the risk mitigation practices you refer to.

Liberties and EPD have also analyzed the risk assessments published by the most relevant major platforms (including Meta, TikTok, X, and Google) in November 2024, focusing on civic discourse and electoral processes. Our review of the risk assessments shows that best practices are exceedingly rare and, where present, are often limited in scope, poorly explained, or inconsistently applied. Platforms overwhelmingly focus on external threats like disinformation or policy violations, while neglecting the structural risks stemming from their own systems, such as algorithmic amplification, targeting practices, and lack of transparency in content ranking and ad delivery. Meta, Google, TikTok, and X each fall short in meaningfully addressing how their platforms influence civic discourse, with most failing to acknowledge, let alone mitigate most systemic harms.

- We argue that X's attempt to justify certain mitigation measures (in their case e.g., Community Notes) with *empirical evidence* is a best practice all VLOPs and VLOSEs should introduce. However, it is important to note that the numbers edited out would be a welcome contribution to transparency.
- X's *clear, structured format that follows the logics of the DSA* should also be mentioned as a best practice. Other platforms usually follow their own logics, and researchers have it difficult to find, for example, the risks related to civic discourse and the mitigation measures introduced - as these may be scattered in the text.

Our policy brief and op-ed can be read here:

- Analysis of risk assessments from a civic discourse and electoral processes perspective: <https://www.liberties.eu/f/ielo4z>
- Op-ed on risk assessments and democracy-related risks under the DSA: <https://www.techpolicy.press/beyond-disinformation-how-dsa-risk-assessments-ignore-democracys-real-threats/>

QUESTION 3

When conducting risk assessments, according to Article 34 (2) DSA, providers of VLOPs and VLOSEs must take into account how **risk factors**, such as **recommender systems** and other **algorithmic systems**, **advertising systems**, and **content moderation** systems influence the identified systemic risks. The assessment must consider how the risks are influenced by **intentional manipulation** of the service, including by inauthentic use or **exploitation** as well as the **amplification** and potentially rapid and wide dissemination of illegal content and of information that is incompatible with their terms and conditions. The assessment shall take into account specific regional or linguistic aspects, including when specific to a Member State.

1. Please provide any information you have of the influence of these risk factors on the systemic risks you have identified.
2. Please specify the risk factors and the systemic risks concerned and refer to any existing documentation, research or resources that could help substantiate the evidence you provide.

In line with the European Commission's *Guidelines on the mitigation of systemic risks for electoral processes*⁵, we believe that publicly accessible ad repositories should have been established. These repositories ought to provide key information such as targeting parameters, funding sources, and engagement metrics, even ahead of the *Transparency and Targeting of Political Advertising Regulation* (TTPA) fully entering into force. This would have allowed the public, as well as regulatory bodies, to better track and scrutinize the political ads circulating on digital platforms. In 2024, Liberties coordinated a campaign advertising monitoring project in six Member States. Our investigation showed that political advertisers, including parties, continue to engage in microtargeting, sometimes using unethical tactics, while platforms fail to ensure lawful data collection and transparency. Repositories meant to provide ad transparency are often incomplete or difficult to search, limiting public oversight.

Our research paper can be read here:

- Understanding Threats to Election Integrity in the Digital Age: 2024 European Parliamentary Elections:
<https://www.liberties.eu/f/ntqdj2>

⁵ European Commission, *Guidelines on the mitigation of systemic risks for electoral processes* (Brussels: European Commission, 2024), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52024XC03014&qid=1714466886277>.

QUESTION 4

Do you have any other information and/or material relating to the Digital Services Act that you would like to share with the European Board of Digital Services and the Commission? If so, please use the reply to this question to convey it.

Liberties is working on research papers about political influencers and the monetization of political speech. Based on, for example, the experience of the Romanian presidential elections, we believe that influencer policies, and the enforcement thereof, must be strengthened.

Research results are expected to be published in June 2025.