

DSA Research Network's Circle of Friends | Recap of the Kick-Off

7 November, 2024 | 3pm - 4:30pm

The DSA Research Network's Circle of Friends met for the first time in November, 2024. Aside from finding a suitable mode of collaboration, the main focus of the event was the discussion of DSA-areas in need of further academic research. With the DSA Research Network's flexible and adaptive operational framework to account for the dynamics of the field, these will serve as a basis for shaping the project's research agenda in 2025.

The following provides a summary of the identified DSA-areas, where additional academic insights are needed:

- **Research Data Access (esp. concerning Art. 37, 40, 42 DSA):**

When talking about research in the context of the DSA, it is necessary to recognise the difference between research on the DSA and research on using the DSA, which includes, for example, researching the EU's transparency database itself, or the statement of reasons.

In general, there is a pressing need for clearer guidance on Article 40, as highlighted in a [Democracy Reporting International paper](#) urging the European Commission to issue guidance on access to public data. Especially since attempts to apply Article 40 – such as accessing data from Microsoft – have been only partially successful, addressing these challenges is critical. Currently, researchers are often faced with the received data being vague and insufficient for research. Additionally, questions about how Article 40 intersects with academic freedom (e.g. when platforms restrict researchers' accounts) need to be addressed.
- **Transparency Database:**

Since Article 40 will take time to provide the required data and researchers first need funding to actually take advantage of the article, making use of the DSA Transparency Database may therefore be "low-hanging fruit". In addition to challenging the transparency requirements laid out in the DSA, using the data from the DSA Transparency Database for research would also be helpful in better understanding the needs for researchers in what kind of data is needed. DG-CNECT recently hosted a call where they presented these two papers on the DSA transparency database: "[Automated Transparency: A Legal and Empirical Analysis of the Digital Services Act Transparency Database](#)" & "[The DSA Transparency Database: Auditing Self-reported Moderation Actions by Social Media](#)".

In the future, however, there needs to be a coordinated effort to organise funding for those doing research around the DSA.
- **Scraping:**

Instead of only using API data, it is also worth exploring how scraping can be done well under 40.12. At the moment, platforms are suing people for scraping publicly available

data, which is probably a violation of Art. 40. One could think of Art.40(12) as more than providing only APIs but as a legal protection for scraping. This preliminary view of the EC on potential breaches of the DSA by X indicates that scraping may be protected under Art. 40: "[Commission sends preliminary findings to X for breach of the Digital Services Act](#)". Legal scholars could have a huge positive impact on the functioning of the DSA in this area by clarifying the precise hurdles of Art. 40 and how it can be interpreted.

- **Systemic Risk (esp. concerning Art. 34, 37, 42 DSA)**

The DSA's systemic risk approach is particularly relevant. Upcoming reports under Art. 42(2) may offer insights, but concerns remain about their substance for external critique. Anthropological and ethnographic research on risk assessment, though a practical challenge, could build on past research that had a similar approach (e.g. "[Setting Rules for 2.7 Billion: a \(First\) Look into Facebook's Norm-Making System: Results of a Pilot Study](#)"). However, platforms may resist "real" observations due to limited legal relevance. Additionally, upcoming guidelines on protecting minors may also be worth considering.

Recommended papers

- Algorithm Watch paper on researching systemic risks: "[Researching Systemic Risks under the Digital Services Act](#)", mentioned in the context of the soon to be published reports on Art. 42(2)
- "[Platform regulation in times of environmental collapse: the Digital Services Act and the climate emergency](#)", a paper that considers climate change as a systemic risk

- **Content Moderation (esp. concerning Art. 14, 17, 20 DSA):**

It would be interesting to look more closely at how violative content can be brought to the attention of regulators, and how technical infrastructures can be built to enable other organisations to do similar work. The DSA's impact on content moderation effectiveness remains unclear. Reset.Tech has done research on the effect of the DSA on content moderation. They concluded that there has not been much of a difference so far. Shadow-banning decisions should appear in the statement of reasons database but currently do not, raising questions about transparency. Some groups frequently face content bans and rely on internal complaint mechanisms for reinstatement. The role of recommender systems and automated moderation in shaping these outcomes warrants further investigation.

- **Collaboration between Stakeholders (Civil Society/Researchers/Companies/EU Institutions):**

Art. 40(12) prioritises researchers for data access, but civil society organisations should be equally involved. Sustainable enforcement of the DSA requires the integration of different societal perspectives and the translation of social science risk concepts into operational tools for business, possibly through collaboration between academia and industry. NGOs excel at identifying knowledge gaps, but face resource and time challenges compared to academics, highlighting the value of more rapid outputs such as blogs, as published by the DSA Observatory. Collaboration, including the involvement of students, is key to empirical research, and sharing documentation of CoF meetings with other networks can broaden insights. An open access online DSA commentary, similar to [OpenREWU](#), would be valuable but requires funding.

- **Actual Enforcement of the DSA:**

DSCs face resource challenges and need concise research summaries. The effective use of civil society and research inputs is therefore crucial. Exploring less-discussed, process-related DSA

areas, such as enforcement of complaint-handling, redress, and statements of reasons, is important. Additionally, understanding private enforcement, its interaction with public enforcement, and individual users' navigation of DSA provisions warrants further investigation.

In addition to the above-mentioned topics, several other topics were also discussed, including the functioning of the DSA's risk-based approach (and recommendations for improving it), developing a concept for an independent DSA regulator, and exploring the DSA's interaction with the AI Act, such as the status of Generative AI and chatbots. The need to assess the international implications of the DSA was also identified as a DSA-area in need of further research. Additionally, substantive areas such as disinformation, child safety, fundamental rights, hate speech, and consumer protection were identified as critical for further research. Questions were raised about platform codes of conduct, their legal status and obligations.

The next meeting of the Circle of Friends will take place on 14 April, 2025.