

# **Recommendations for Moldovan and Ukrainian legislators and regulators for mitigating systemic risk – particularly during electoral periods**

A product of **High-Level Expert Group for Resilience Building in  
Eastern Europe**

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These recommendations are a solely expert-driven product of **High-Level Expert Group for Resilience Building in Eastern Europe (HLEG)**. This group convened in the latter half of 2024 to advise on platform accountability during elections.

**HLEG coordinator and publisher:** IMS (International Media Support) December 2025

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**Title:** Recommendations for Moldovan and Ukrainian legislators and regulators for mitigating systemic risk—particularly during electoral periods

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# Acknowledgements:

These recommendations were developed by the High-Level Expert Group for Resilience Building in Eastern Europe (HLEG). IMS served as the coordinating body for the initiative, with Colette Simonne Wahlqvist facilitating the drafting process in her capacity as rapporteur, supported by the IMS Secretariat team (Liene Ulmane, Gohar Khodjayan and Elodie Vialle).

IMS extends its gratitude to all the members of the HLEG who contributed their expertise and insights to this document:

Guy Berger, Independent

Pavlo Burdaik, Centre for Democracy and Rule of Law, Ukraine

Oleksandr Burmahin, National Council of Television and Radio Broadcasting, Ukraine

Giorgi Davituri, Institute for the Development of Freedom of Information, Georgia

Maksym Dvorovyi, Digital Security Lab, Ukraine

Nino Macharashvili, ForSet, Georgia

Jason Pielemeier, Independent

Eliška Pírková, who contributed to the drafting of this report during her tenure at Access Now

Albertina Piterbarg, UNESCO

Christoph Schmon, Electronic Frontier Foundation

Nina Shengelia, Social Media Council Georgia

Elodie Vialle, Independent

Liliana Vitu, Audiovisual Council, Republic of Moldova

While the recommendations reflect the collective expertise and contributions of all HLEG members, they do not necessarily represent a fully unified position of every individual expert on each point.

In addition to the members of the expert group, IMS would like to acknowledge the valuable insight from others who contributed to this report, in particular Barbara Kuza- Tarkowska, Bojana Kostic, Ana Cristina Ruelas, Caroline Nicholos and Kay Spencer.

We are also grateful for the financial support of the Ministry of Foreign Affairs of Denmark.

# Introduction

Moldova held its parliamentary elections in September 2025, in a context marked by “massive Russian interference”<sup>1</sup>. The country’s presidential election and EU membership referendum, held in October 2024, had previously been characterised by unprecedented levels of foreign meddling<sup>2</sup>.

In Ukraine, where war has continued to rage on, elections can only take place when the conflict’s intensity decreases and martial law is lifted.<sup>3</sup> When hostilities subside enough to organise Ukrainian voters back to the polls, challenges to uphold democracy and political stability will be extremely high<sup>4</sup>.

Both countries are rife with conflicting narratives and manipulative discourses that are undermining trust in institutions and media, driving political polarisation, and distorting public opinion by attacking credible and fact-based information sources, sometimes leveraging AI generated content and impersonation techniques to interfere in elections and undermine elected leaders<sup>5</sup>. In the online space, algorithms often facilitate the dissemination of illegal or violating content, which can erode social cohesion and put democratic dialogue and public debate at severe risk. Furthermore, some platforms are retreating from established approaches to content moderation content and weakening their terms of service to limit their responsibility when it comes to the protection of their users.<sup>6</sup>

The following recommendations are primarily intended for Moldovan and Ukrainian legislators, regulators, and policy makers to help them address these formidable circumstances.

## Background

Given that Moldova and Ukraine are both candidates to join the European Union (EU), most of these recommendations are framed in part around and take learnings from the EU’s **Digital Services Act (DSA)**, a regulatory framework established to create a safer and more accountable online environment for people and private actors.<sup>7</sup>

<sup>1</sup> Moldova's pro-EU party wins vote mired in claims of Russian, BBC interference <https://www.bbc.com/news/articles/cx2rdlj8ejgo>

<sup>2</sup> Kirby, P. (2024, November 4). *Moldova election: Pro-EU leader wins despite alleged Russian meddling*. BBC. <https://www.bbc.com/news/articles/cz7w9dglzzlo>

<sup>3</sup> Kliuchkovskiy, Y. & Venher, V. (July 2022). Organisation and holding of elections in post-war Ukraine. Prerequisites and challenges. *Council of Europe*. 6. <https://rm.coe.int/en-organisation-and-holding-of-elections-in-post-war-ukraine-net-2769-/1680a8e995>

<sup>4</sup> Atanasova, A., Poldi, F., & Kuster, G. (2025, June 26). *Operation Overload: More Platforms, New Techniques, Powered by AI. Activity Update – June 2025 (Overload 2: Main Draft Report)* [Draft report]. CheckFirst / Reset Tech. CC BY-SA. <https://checkfirst.network/operation-overload-an-ai-fuelled-escalation-of-the-kremlin-linked-propaganda-effort/>

<sup>5</sup> #ShePersisted. (2024, May). *Big Tech and the weaponization of misogyny in Moldova’s online ecosystem: An assessment of digital threats to women in public life*. <https://she-persisted.org/wp-content/uploads/2024/06/ShePersisted-Moldova-Report-ENG.pdf>

<sup>6</sup> The International Fact-Checking Network. (2025, January 9). *An open letter to Mark Zuckerberg from the world’s fact-checkers, nine years later*. Poynter. <https://www.poynter.org/ifcn/2025/an-open-letter-to-mark-zuckerberg-from-the-worlds-fact-checkers-nine-years-later/>

<sup>7</sup> See generally, Regulation (EU) 2022/2065. *Regulation (EU) No 2022/2065 of the European Parliament and of the Council 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC* [hereinafter Digital Services Act or DSA]. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32022R2065>

As social media platforms, messaging services and search engines have amplified the spread of disinformation, particularly during elections, the mitigation of systemic risks stemming from the design, function, or use of these digital services is of paramount concern.<sup>8</sup>

For Moldova, Ukraine and all other EU candidate countries and beyond, lessons can be drawn from implementation of the DSA regarding how to regulate major digital services—otherwise known as Very Large Online Platforms and Search Engines (VLOPSEs)—at a systemic level. Platform accountability measures, such as legally mandated transparency reporting, due diligence obligations, and requirements for effective remedy and redress should be achievable, provided that safeguards are effectuated to prevent abuse of the law.

The EU's custodian of the DSA, the Directorate-General for Communications Networks, Content and Technology (DG CNECT), recommends a phased approach to DSA alignment for EU candidate states like Moldova and Ukraine.<sup>9</sup> This approach allows for states to build the necessary institutional and regulatory capacities incrementally, thereby supporting a more sustainable and effective integration of DSA standards.

Moldova and Ukraine are notably explored together in this document as each country is presently drafting its own respective DSA-like legislation, and both share relatively similar geopolitical contexts as EU candidate countries. Though heightened due diligence throughout the legislative drafting and implementation process should be prescribed in Ukraine as well as considerations under humanitarian law due to its on-going international armed conflict, both countries are subject to similar negative foreign interference and are therefore addressed jointly.

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<sup>8</sup> See generally, European Commission. (2024, April 16). *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/2024/3014. [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:C\\_202403014](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:C_202403014)

<sup>9</sup> Explained during *TAIEX Multi Country Workshop on the transposition of the Digital Services Act (DSA) in EU Member States*, held in Brussels between 26-27 June 2024. See generally, <https://webgate.ec.europa.eu/TMSWebRestrict/resources/js/app/#/library/detail/85721>

# Key terms

Some of the recommendations below will present specific opportunities for Moldovan and Ukrainian legislators and regulators to build bridges of cooperation with VLOPSEs, relevant EU country-level bodies and the European Commission to promote systemic risk mitigation.

The EU country-level bodies referred to are the **Digital Service Coordinators** (DSC) of each EU Member State. DSCs are the entities responsible for all matters relating to the application and enforcement of the DSA in that respective country.<sup>10</sup> They additionally facilitate cooperation among various relevant authorities, including electoral, consumer, broadcast and telecom regulators. Under the DSA, each EU Member State has designated and empowered a DSC.

Another relevant body under the DSA is the **European Board for Digital Services** (EBDS), which is an independent advisory group composed of a representative from each designated EU Member State DSC and is chaired by the European Commission.<sup>11</sup> This entity took effect as of 17 February 2024 and, under its Rules of Procedure, shall meet at least four times per year.<sup>12</sup> The EBDS met monthly during its inception year.<sup>13</sup>

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<sup>10</sup> DSA Article 49. See also, European Commission. (2025, May 13). *Digital Services Coordinators*. <https://digital-strategy.ec.europa.eu/en/policies/dsa-dsccs>

<sup>11</sup> European Commission. (2025, February 14). *European Board for Digital Services*. <https://digital-strategy.ec.europa.eu/en/policies/dsa-board>. See also, DSA Article 62 on establishment of the European Board of Digital Services.

<sup>12</sup> Ibid. And see, *Rules of Procedures of the European Board for Digital Services* Article 2(6).

<sup>13</sup> European Commission. (2025, February 14). *European Board for Digital Services*. <https://digital-strategy.ec.europa.eu/en/policies/dsa-board>

# Recommendations

The majority of the recommendations below stress the importance of collaboration between regulatory bodies established under the DSA and non-EU counterparts in candidate states. EU candidate states are required to align their national legislation with EU acquis, including the DSA. Cooperation is encouraged as a way to prepare for eventual legal integration and because many societal risks will continue to impact both EU member and candidate states.

Beyond the roles of these EU candidate state lawmakers, other stakeholders, including academics, civil society organisations and journalists, can contribute to the DSA implementation process by sharing evidence related to systemic risks.<sup>14</sup> At the time of writing<sup>15</sup>, a substantive response to requests for guidance has not yet been received from the European Commission regarding the form and quantity needed to meaningfully contribute to the process.

In addition to building bridges between EU candidate countries, namely Moldova and Ukraine, and relevant VLOPSEs and EU Member States, these recommendations also underscore that space must be created for expert-driven, multi-stakeholder discussion, particularly involving non-state actors. A diversity of perspectives is not only beneficial for enhancing the legitimacy and utility of DSA alignment, but also can mutually build capacity through knowledge sharing and expertise to bring about more effective and innovative solutions for the mitigation of systemic risk in the EU and beyond.

## **1. Align regulatory frameworks with a human rights-based approach that is grounded in the rule-of-law.**

Despite representing the strongest legal framework available for the governance of digital services, the DSA should not be regarded as the only standard possible, nor is it replicable in its entirety in every geography.

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<sup>14</sup> Sharing evidence of systemic risk is notably meaningful beyond Moldova and Ukraine, as it can provide a roadmap for other countries outside of the EU too, which can decide to adopt similar measures in order to increase evidence and public awareness around the responsibility that VLOPSEs have to mitigate or address harms generated or facilitated by their products.

<sup>15</sup> September 2025

While rooted in time-tested human rights principles that have proven to guide effective law and policy design<sup>16</sup> each of its provisions may not be suitable for every country context outside of the EU.

Any impact of the DSA—in EU candidate countries or otherwise—necessitates a comprehensive and thorough analysis of existing legal frameworks in regard to a multiplicity of aspects, including enforcement capabilities and whether some of the provisions could be exploited to illegitimately restrict human rights. In other words, it is necessary to see if such frameworks will require amendments of other pre-existing and problematic regulations which could otherwise undermine new systems. In addition, any proposed laws seeking to govern the dissemination of content on the Internet must be evaluated to determine whether regulation could impede its globally connected nature.<sup>17</sup>

In Moldova and Ukraine, future platform accountability regulators should have **organisational, financial, and functional independence** from the executive branch and amongst other potential pressure sources such as the platforms themselves or their sponsored interest groups. Ensuring these regulators can operate impartially is of particular importance due to both States' vulnerability to foreign interference, on top of the danger of corporate capture of such regulators by the very companies that governance seeks to encompass. At the same time, the concentration of power in any single regulatory entity, without appropriate transparency and accountability mechanisms, must be emphasised as a threat to democracy and the nation's overall well-being.<sup>18</sup>

To further prevent potential misuse of DSA-inspired provisions, independent oversight is needed for all forms of regulation and its implementing authorities. The process for developing regulation should be open, transparent and evidence-based.<sup>19</sup> Legislators have a key role in reforming laws as necessary to ensure independence, integrity and oversight in governing bodies that can impact user-generated content.

### **Relevant references**

Access Now's publication, *Platform Accountability: A Rule-of-Law Checklist for Policymakers* provides pertinent rule-of-law safeguards that those developing legislation should keep at the core of their respective platform accountability frameworks.<sup>20</sup> The publication's leading recommendation, to ensure institutional checks and balances of State power, puts emphasis on the independence of institutions to complement the traditional separation of powers.<sup>21</sup>

The UNESCO *Guidelines for the Governance of the Digital Platforms* outline a set of duties, responsibilities and roles for States, digital platforms, intergovernmental organisations, civil society, media, academia, the technical community and other stakeholders to enable an environment where human rights are at the core of digital platforms governance processes. Also, the UNESCO *Recommendation on the Ethics of Artificial Intelligence* addresses ethical issues related to the domain of Artificial Intelligence and approaches AI ethics as a systematic normative reflection. It considers ethics as a dynamic basis for guiding and assessing AI

<sup>16</sup> Global Network Initiative. (2020, September). *Content Regulation and Human Rights*. 1-2. <https://globalnetworkinitiative.org/content-regulation-policy-brief/>

<sup>17</sup> See generally, The Internet Society. (2018, September). *The Internet and Extra-Territorial Effects of Laws*. <https://www.internetsociety.org/wp-content/uploads/2018/10/The-Internet-and-extra-territorial-application-of-laws.pdf>

<sup>18</sup> Pirková, E., Sampieri, A. & Zaghdoudi, A. (2024, December). *Platform accountability: A rule-of-law checklist for policymakers*. Access Now. 9. <https://www.accessnow.org/platform-accountability-part1-overview/>.

<sup>19</sup> UNESCO. (2023). *Guidelines for the governance of digital platforms: safeguarding freedom of expression and access to information through a multi-stakeholder approach*, para. 56. <https://unesdoc.unesco.org/ark:/48223/pf0000387339>

<sup>20</sup> See generally, Pirková, et al., supra note 12. See also, Global Network Initiative supra note 11.

<sup>21</sup> See Pirková, et al., supra note 12. 9-10.



technologies, referring to human dignity, well-being and the prevention of harm as a compass and as rooted in the ethics of science and technology.<sup>22</sup> Increasingly, platforms are using AI in their content curation and moderation, and AI services are also being used to generate multi-modal content that can threaten information integrity. The concept of platforms no longer refers to services distributing content created elsewhere, but can include AI services that are used by people to directly create, receive and circulate content (even outside of platforms, such as via email or direct messaging).

The European Commission's *Guidelines for providers of [VLOPSEs] on the mitigation of systemic risks for electoral processes*, contains guidance aimed at supporting these digital service providers to ensure that, where appropriate, they comply with their obligation to mitigate specific risks linked to electoral processes.<sup>23</sup> The *DSA Elections Toolkit for Digital Services Coordinators*, published by the European Board for Digital Services, is a follow-up to these guidelines as it summarises approaches, methods and actions DSCs have piloted to support more effective tailoring and better performance of mitigation measures by VLOPSEs in electoral contexts.<sup>24</sup>

The *Digital Services Act (DSA) Human Rights Alliance*, a coalition of digital and human rights organizations from across the globe, advocates for a human-rights-based approach to platform governance and urges EU policymakers to consider the extraterritorial implications of the DSA. The Alliance has developed *the Viennese Principles for Embedding Global Considerations into Human-Rights-Centred DSA Enforcement*, which provide guidance for ensuring that DSA enforcement upholds international human rights standards and mitigates global risks. The Principles emphasize the importance of institutionalized dialogue between EU and non-EU stakeholders, cross-regional collaboration on regulatory issues, and safeguards against politicized or disproportionate enforcement. They also call for the DSA to follow a “human rights centered enforcement”, transparency and equitable data access for both EU and non-EU civil society organizations, reinforcing the need for meaningful, rights-based stakeholder engagement in DSA implementation.

*Content Regulation and Human Rights: Analysis and Recommendations* from the Global Network Initiative is an additional, relevant source, offering practical guidance for governments and other stakeholders on how to formulate and implement content regulations that are effective, fit-for-purpose, and enhance and protect the rights to freedom of expression and privacy.<sup>25</sup>

## 2. Call for bilateral administrative arrangements between respective anticipated Digital Service Coordinators in the EU candidate countries and Digital Service Coordinators in EU countries.

### ***Building independent regulatory capacity – a precondition***

This recommendation is contingent on the implementation of necessary preparations before naming anticipated Digital Service Coordinators (DSCs). In advance of passing any level of DSA-like legislation in EU candidate

<sup>22</sup> UNESCO. (2022). *Recommendation on the Ethics of Artificial Intelligence*. SHS/BIO/PI/2021/1. <https://unesdoc.unesco.org/ark:/48223/pf0000381137>

<sup>23</sup> See generally, European Commission Guidelines, supra note 5.

<sup>24</sup> European Board for Digital Services. (2025, February 21). *DSA Elections Toolkit for Digital Service Coordinators*. European Commission. <https://globalnetworkinitiative.org/content-regulation-policy-brief/>

<sup>25</sup> See Global Network Initiative, supra note 11.

countries, for the purpose of liaising with relevant EU bodies or otherwise, a strong framework must be operationalised to ensure independence of the potential DSC. As it is integral to avoid political appointment, appropriate safeguards must be put in place. The measures should consider how the regulatory body is designated (for instance, by parliament, not the executive), financed (with budgetary autonomy, dedicated revenue sources, legislative protection, etc) and its overall mandate, including its transparency and the entities that it should coordinate with.

Alongside this framework to ensure the independence of the respective regulatory bodies, sufficient capacity building must be undertaken. Entities fulfilling the role of independent digital services regulator in their country will require training, adjustments to resource allocation, among other time-consuming undertakings to ready their infrastructure.<sup>26</sup> The ability to establish meaningful stakeholder engagement with civil society, other regulatory bodies and VLOPSEs to promote more effective governance and regulation through consultative process and other feedback mechanisms is one of these additional aspects. With respect for the necessity of firmly established independence, working swiftly would have its benefits as the earlier these entities, who could potentially become DSCs can be appointed, the earlier these relevant parties can begin understanding the practical implications of the legislation and encouraging proactive addressing of concerns.

### ***Connecting anticipated candidate country and established EU-based DSCs where VLOPSEs are registered***

Following the general recommendation to appropriately designate the anticipated independent DSC in each EU candidate country, the selected EU candidate country authorities should then pursue administrative agreements with relevant DSCs to eventually support enforcement of the DSA. This connection would promote the identification of systemic risk as DSCs should be consulted with during investigations into VLOPSEs.

Administrative agreements between anticipated candidate country DSCs and select established EU-based DSCs will serve to foster collaboration on shared issues and follows suit of the European Commission's cooperation framework under the DSA.<sup>27</sup> As of June 2024, administrative agreements with two non-EU bodies, the Australian eSafety Commissioner (Australia) and Ofcom (the media regulator of the United Kingdom of Great Britain and Northern Ireland) have already been signed.<sup>28</sup>

The European Regulators Group for Audiovisual Media Services (ERGA), to which Moldovan and Ukrainian regulatory authorities have been granted observatory status, also has a structured agreement with the European Commission to support DSA enforcement.<sup>29</sup> Though this cooperation allows for a nominal level of information-sharing, bilateral arrangements directly between anticipated candidate country DSCs and established EU-based DSCs would serve even more strongly to promote a trusted online environment in the

<sup>26</sup> Jaurisch, J. (2024, February). *The Digital Services Act is in effect – now what?* Stiftung Neue Verantwortung [interface]. 10. [snv-digital-services-act-now-what.pdf](#)

<sup>27</sup> European Commission. (2025, 12 February). *The cooperation framework under the Digital Services Act*. [https://digital-strategy.ec.europa.eu/en/policies/dsa-cooperation#:~:text=The%20Digital%20Services%20Act%20\(DSA,ensure%20platforms%20meet%20its%20obligations](https://digital-strategy.ec.europa.eu/en/policies/dsa-cooperation#:~:text=The%20Digital%20Services%20Act%20(DSA,ensure%20platforms%20meet%20its%20obligations)

<sup>28</sup> See European Commission. (2024, June 11). *Commission services sign administrative arrangement with Australian eSafety Commissioner to support the enforcement of social media regulations*. <https://digital-strategy.ec.europa.eu/en/news/commission-services-sign-administrative-arrangement-australian-esafety-commissioner-support>; European Commission. (2024, May 16) *Commission services sign administrative arrangement with Ofcom to support the enforcement of social media regulations*. <https://digital-strategy.ec.europa.eu/en/news/commission-services-sign-administrative-arrangement-ofcom-support-enforcement-social-media>

<sup>29</sup> European Commission. (2024, June 4). *Commission services and ERGA partner in support of Digital Services Act enforcement*. <https://digital-strategy.ec.europa.eu/en/news/commission-services-and-erga-partner-support-digital-services-act-enforcement>. Notably, ERGA has been replaced by the European Board for Media Services, per Section 2 of the European Media Freedom Act, though its former competencies will remain. See European Union. (n.d.). *About the Media Board*. [https://media-board.europa.eu/index\\_en](https://media-board.europa.eu/index_en)

spirit of the DSA. Any cooperation should be based on independency criteria, rule of law considerations and, when it comes to data exchanges, respect for user privacy.

To uphold electoral integrity, these bilateral agreements can focus on promoting the identification and mitigation of potential risks arising from services more prone to encounter election interference<sup>30</sup>. Efforts could focus particularly on cross-border and online campaigning, a crucial issue for both Ukraine, with approximately 7 million citizens located abroad due to war,<sup>31</sup> and Moldova, with a large diaspora able to shift the voting results<sup>32</sup>. The annulment of Romania's November 2024 presidential elections should further draw attention to the impacts of both paid and unpaid social media content on voter influence and the practical and political challenges of trying to assess those impacts in the context of elections.<sup>33</sup>

### ***Where to start?***

The social media platforms and search engines subject to enhanced due diligence obligations to address systemic risk under the DSA are primarily registered in Ireland and the Netherlands (see charts). The DSC in Ireland is its *Coimisiún na Meán* (Media Commission) and the DSC in the Netherlands is its *Autoriteit Consument en Markt* (Authority for Consumers and Markets).<sup>34</sup>

Other digital services, such as Telegram, registered in Belgium,<sup>35</sup> and Reddit and Discord, both registered in the Netherlands,<sup>36</sup> which all presently fall below the 45 million average monthly user threshold for VLOPSE designation, are also worth watching. These discussion platforms are still subject to several obligations under the DSA related to transparency, mechanisms for reporting illegal content, and amongst others.<sup>37</sup> Telegram—heavily used in Moldova and Ukraine for election-related (dis)information sharing and debate—is notably under investigation by the European Commission in regard to its how it is calculating its monthly users, which could soon result in its designation as a VLOPSE.<sup>38</sup> The DSC in Belgium is its Belgian Institute for Postal Services and Telecommunications.<sup>39</sup>

<sup>30</sup> Electronic Frontier Foundation (EFF) and ARTICLE 19, Disinformation and Elections: Key Recommendations to the EU (March 2024): <https://www.eff.org/deeplinks/2024/03/disinformation-and-elections-eff-and-article-19-submit-key-recommendations-eu>

<sup>31</sup> United Nations High Commissioner for Refugees Operation Data Portal. (2025, March 20). Ukraine Refugee Situation. <https://data.unhcr.org/en/situations/ukraine>. See also, Center for European Policy Analysis. (2023, October 31). *Understanding Ukraine: The Minefield of Wartime Elections*. <https://cepa.org/transcripts/understanding-ukraine-the-minefield-of-wartime-elections/>

<sup>32</sup> McGrath, S. & Dumitrache, N. (2024, November 4). *Moldova's diaspora tipped the scales in a pivotal election. Critics question the vote's validity*. Associated Press. <https://apnews.com/article/moldova-election-president-russia-europe-diaspora-sandu-40b98d140fef92a2bd06d5db8b5d82f>

<sup>33</sup> Borz, G. (2025, January 8). *Why digital electoral campaigning needs urgent regulation*. The Loop. <https://theloop.ccpr.eu/why-digital-electoral-campaigning-needs-urgent-regulation/>

<sup>34</sup> See European Commission. (2025, May 13), supra note 7.

<sup>35</sup> Telegram. (n.d.). *User guidance for the EU Digital Services Act*. <https://telegram.org/tos/eu-dsa>

<sup>36</sup> Reddit. (2024, December 2). *Guidelines for Law Enforcement*. <https://redditinc.com/policies/guideline-for-law-enforcement>; Discord. (n.d.). *Discord Company Information*. <https://discord.com/company-information>

<sup>37</sup> See DSA, supra note 4, Article 15 on Transparency reporting obligations for providers of intermediary services and Article 9 on orders to act against illegal content.

<sup>38</sup> Babaiev, B. (2024, August 29). *EU launches investigation into Telegram*. RBC-Ukraine. <https://newsukraine.rbc.ua/news/eu-launches-investigation-into-telegram-ft-1724881900.html>

<sup>39</sup> European Commission. (2025, May 13), supra note 7.

### Supervision of select designated very large online platforms and search engines under the DSA<sup>40</sup>

Designated service	Type of Service	Digital Service Coordinator	Average monthly users
Bing	Search Engine	Ireland	119m
Facebook	Platform	Ireland	259m
Google Search	Search Engine	Ireland	364m
Instagram	Platform	Ireland	259m
LinkedIn	Platform	Ireland	45.2m (Logged-in)
Pinterest	Platform	Ireland	124m
TikTok	Platform	Ireland	135.9m
X	Platform	Ireland	115.1m
YouTube	Platform	Ireland	416.6m

Designated service	Type of Service	Digital Service Coordinator	Average monthly users
Snapchat	Platform	Netherlands	102m
Wikipedia	Platform	Netherlands	151.1m

### Connecting anticipated DSCs in EU candidate countries and other EU DSCs

In addition to the DSCs responsible for the major digital services in the EU—the VLOPSEs cited above—it would be remiss to overlook the opportunity to also establish bilateral agreements with any other DSC open to collaboration. DSCs with special interests in particular candidate states could be those home to significant groups of EU candidate country diaspora, including Romania, Poland, Lithuania, Latvia, and Estonia.

DSA Article 58 on *Cross-border cooperation among Digital Service Coordinators*,<sup>41</sup> Article 65 on *Enforcement of obligations of providers of VLOPSEs*<sup>42</sup> and Recital 128 regarding requests for action from DSCs,<sup>43</sup> can be read to encourage joint action between those who can provide “well-substantiated evidence showing the existence of an alleged infringement” of the DSA.<sup>44</sup> If EU candidate states may have evidence to support an investigation into a digital service causing negative societal impact, formal cooperation between a DSC and entities able to assist—like EU candidate state regulators—is encouraged under the law.

<sup>40</sup> European Commission. (2025, May 15). *Supervision of the designated very large online platforms and search engines under DSA*. <https://digital-strategy.ec.europa.eu/en/policies/list-designated-vlops-and-vloses>. See also, Davis, W. (2025, February 18). *WhatsApp is now a Very Large platform in the EU, and will face tougher regulation*. The Verge. <https://www.theverge.com/news/614445/whatsapp-channels-very-large-platform-vlop-digital-services-act-eu>. WhatsApp now has over 45 million monthly users in the EU and will be subject to DSA obligations.

<sup>41</sup> DSA Article 58.

<sup>42</sup> DSA Article 65. See Article 65(2), which makes explicit reference to DSC action when a VLOPSE has systemically infringed a provision of the DSA “in a manner that seriously affects recipients of the service in its Member State ...”. [Emphasis added].

<sup>43</sup> DSA Recital 128.

<sup>44</sup> Ibid.

### 3. Seek observers status with the European Board for Digital Services.

The European Board for Digital Services (EBDS) plays an important role in seeking to ensure the consistent and coherent application of the DSA across the EU for the benefit of all European citizens, and its society and economy.<sup>45</sup> It is the entity empowered to provide guidance and analysis to the European Commission, DSCs and other competent authorities on aspects of the DSA and assist with the supervision of VLOPSEs.

To proficiently carry out its duties, the Board may invite experts and observers to attend its meetings as it deems appropriate.<sup>46</sup> The EBDS Rules of Procedure outline that observers may be permitted to take part in discussions of the Board and relevant working groups.<sup>47</sup> As of June 2025, there are eight working groups dedicated to a specific aspect of the DSA, including Working Group 2 – *Working together* and Working Group 4 – *Integrity of the information space*.<sup>48</sup>

Moldovan and Ukrainian regulatory bodies should consider becoming observers and joining the relevant working groups of the EBDS to promote knowledge sharing and good practices and facilitate smoother integration into the EU. Observing, and participating to the extent possible, in the EBDS will foster closer collaboration and cooperation with EU regulators, which is crucial for addressing cross-border digital services issues effectively.

The regulatory bodies seeking to become observers to the EBDS should have a legitimate interest in content on platforms<sup>49</sup> and be independent, i.e., free from economic, political or other pressures,<sup>50</sup> as outlined in the first recommendation underscoring a human-right based approach to DSA implementation. Their power and mandate should be set out in legislation and comply with international human rights law, including gender equality.<sup>51</sup><sup>52</sup>

Though the EBDS Rules of Procedure are silent on opportunities for potential observers to express interest and apply for the role, inquiry can be made through the Directorate-General for Communications Networks, Content and Technology (DG CNECT) contact webpage, as the custodian of the DSA.<sup>53</sup> It would also be prudent to advocate for the European Commission to come forth with formal guidance on how to apply to the EBDS as an observer. Similar protocol could be followed to the process of joining the former European Regulators Group for Audiovisual Media Services (now European Board for Media Services) as an observer.

<sup>45</sup> European Commission. (2025, April 3). *European Board for Digital Services*. <https://digital-strategy.ec.europa.eu/en/policies/dsa-board>

<sup>46</sup> DSA Article 62(5).

<sup>47</sup> *Rules of Procedures of the European Board for Digital Services* Article 8(3).

<sup>48</sup> European Commission. (2025, February 12). *Working Groups under the European Board For Digital Services*. <https://digital-strategy.ec.europa.eu/en/policies/dsa-board-working-groups>. The other EBDS Working Groups are as follows: 1: Horizontal and legal issues; 3: Content moderation and data access; 5: Consumers and online marketplaces; 6: Protection of minors; 7: Orders and criminal issues; 8: IT issues.

<sup>49</sup> UNESCO. (2023). *Guidelines for the governance of digital platforms: safeguarding freedom of expression and access to information through a multi-stakeholder approach*, para. 68.

<sup>50</sup> Ibid, para. 70.

<sup>51</sup> #ShePersisted. (2024, May). *Big Tech and the weaponization of misogyny in Moldova's online ecosystem: An assessment of digital threats to women in public life*. <https://she-persisted.org/wp-content/uploads/2024/06/ShePersisted-Moldova-Report-ENG.pdf>

<sup>52</sup> Ibid.

<sup>53</sup> European Commission. (n.d.). *Write to us*. <https://digital-strategy.ec.europa.eu/en/write-us>

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–For additional discussion–

*Recommendations 4 and 5 reflect a range of views expressed within High-Level Expert Group for Resilience Building in Eastern Europe and remain part of the Group's ongoing deliberations.*

#### **4. Promote the deployment of resources in media literacy campaigns, pre-bunking and counter-narrative strategies.**

In the light of the lessons learned following the many elections during 2024 and 2025, deploying resources for media literacy campaigns, pre-bunking, and counter-narrative strategies well before polling day can be helpful for safeguarding the integrity of electoral processes. This requires a coordinated effort from a diverse range of stakeholders—with the role of legislators and regulators being to promote these measures to mitigate systemic risks.

When used appropriately and introduced early in the electoral cycle, pre-bunking can support broader resilience-building efforts by helping audiences recognise manipulation techniques before encountering them.

Building on these approaches, embedding media literacy campaigns, pre-bunking and counter narrative strategies within both the inter- and pre-electoral phases of the electoral cycle, stakeholders can proactively strengthen public resilience against manipulation and false narratives.

Pre-bunking involves exposing voters to the tactics and strategies used in disinformation campaigns before they encounter false or misleading content. These efforts can significantly reduce the spread of disinformation before it gains traction

Counter-narratives, complement these efforts by directly challenging falsehoods and providing fact-based, compelling alternative messages. Unlike fact-checking, which focuses on correcting specific inaccuracies, counter-narratives work by reshaping the broader discourse to promote truth and trust in democratic institutions. During election periods, counter-narratives can be particularly powerful in addressing false claims about voter fraud, election rigging, or the credibility of electoral institutions.

Collaboration among a wide range of stakeholders, including journalists, fact-checkers, and trusted community voices, to ensure that accurate, verified information reaches audiences in an accessible and engaging manner must be emphasised in the scope of employing effective counter-narratives. Beyond the immediate context of elections wherein media literacy should be integrally bound up with voter education, media literacy must be recognised as an ongoing effort that extends throughout the long term.

#### **5. Include paid influencers and boosted content within political advertising definitions to help prevent malign coordinated amplification of particular viewpoints.**



In addition to the pervasive impact of mis- and disinformation and staunch geopolitical influence, the ‘super election’ year of 2024 also illustrated the major role of paid influencers in shaping political discourse and voter behaviour globally.<sup>54</sup> Such influencers often have audiences that exceed traditional media. Some traditional legislation implemented by the existing media regulators, such as the Audiovisual Media Services Directive (AVMSD), might cover influencers<sup>55 56 57 58</sup>, when they operate on video-sharing platforms, such as TikTok and Instagram.

Influencers have been extensively used to amplify campaign messages, engage followers and create relatable content for election campaigns.<sup>59</sup> In some cases, political parties are outsourcing their social media strategies to private firms and consultants for crafting micro-targeted messages that leverage user data to persuade voter behaviour.<sup>60</sup> Alarming, much of this influencer-driven political communication is also done covertly, or at least without alerting voters to the targeted character of the content.<sup>61</sup> It is also anticipated that the undisclosed use of generative-AI as a tool to deceptively sway political campaigns will likely only increase moving forward.<sup>62</sup> UNESCO research shows that most influencers do not fact-check content<sup>63</sup>.

A key tool that influencers—as well as malign actors—used to make their impact during elections in 2024 was ‘boosting content’, particularly in Moldova.<sup>64</sup> Unlike traditional advertisements, boosted content generally starts off as a standard post on a social media platform and is later “boosted” for a fee by the initial poster or another to reach a wider or more targeted audience.<sup>65</sup> The tactic is known for its simplicity and cost-effectiveness because advertising expertise is not necessary.<sup>66</sup>

<sup>54</sup> Duffy, C. & Fung, B. (2024, October 29). *Influencers are playing a big role in the 2024 election. There’s no way to tell who’s getting paid for their endorsements.* CNN. <https://edition.cnn.com/2024/10/29/tech/influencers-presidential-campaign-paid-disclosure/index.html>. See also, Miller, G. (2024, August 28). *If 2024 Is The Influencer Election, Where’s The FEC?* Tech Policy Press. <https://www.techpolicy.press/if-2024-is-the-influencer-election-wheres-the-fec/>. And see, it is estimated that over 20 billion USD is currently being redistributed to approximately 5 million social media accounts: Rio, V. (2024, April). *From Content to Payment: The Rise and Implications of Social Media Ad Revenue Sharing.* WHAT TO FIX! 9. <https://www.whattofix.tech/publications/content-to-payment/>

<sup>55</sup> Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending 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 <https://eur-lex.europa.eu/eli/dir/2018/1808/oj/eng>

<sup>56</sup> On the Draft Law of Ukraine “On Amendments to Certain Laws on Media Activity”, Council of Europe <https://rm.coe.int/lex-01-ukraine-legalopinion-medialaw-amendments-to-certain-laws-on-med/1680b3f154>

<sup>57</sup> National rules applicable to influencers, European Audiovisual Observatory <https://rm.coe.int/national-rules-applicable-to-influencers/1680b5540c>

<sup>58</sup> The Future of Content Delivery: Adapting the regulatory framework to new modes of content delivery, EPRA meeting, Bucharest, 2023 [https://cdn.epra.org/attachments/files/4467/original/Plenary\\_2\\_Future\\_content\\_delivery\\_vpost\\_meeting.pdf](https://cdn.epra.org/attachments/files/4467/original/Plenary_2_Future_content_delivery_vpost_meeting.pdf)

<sup>59</sup> See generally, Mahmood, S., Das, A. & Mungra, D. (2024, April). *How Social Media Influencers are Scaling Surrogate Political Campaigns in Global Majority Elections.* TechGlobal Institute. <https://techglobalinstitute.com/research/how-social-media-influencers-are-scaling-surrogate-political-campaigns-in-global-majority-elections/>. See also for a US perspective, Zakrzewski, C., (2024, October 26). *The new dark money: How influencers get paid big bucks to court your vote.* The Washington Post. <https://www.washingtonpost.com/technology/2024/10/26/social-media-influencers-election-money-campaigns/>.

<sup>60</sup> See generally Reach Voters. (2024, December 20). *Political Marketing Agency Services: Driving Campaign Success In A Digital Era.* <https://reachvoters.com/political-marketing-agency/>

<sup>61</sup> Reich, O. (2025, May). *Undue Influence(rs): How Platforms Must Step Up Under the DSA to Protect Democracies.* Civil Liberties Union for Europe. <https://www.liberties.eu/f/khrynp>

<sup>62</sup> Csernaton, R. (2024, December 18). *Can Democracy Survive the Disruptive Power of AI?* Carnegie Endowment for International Peace. <https://carnegieendowment.org/research/2024/12/can-democracy-survive-the-disruptive-power-of-ai?lang=en>

<sup>63</sup> UNESCO. 2024. *Behind the Screens: Insights from Digital Content Creators.* <https://unesdoc.unesco.org/ark:/48223/pf0000392006>.

<sup>64</sup> Nichols, C. & Shen, N., et al. (2025, January 10). *Boosted Content and Electoral Risk in Moldova.* The Integrity Institute. <https://integrityinstitute.org/blog/boosted-content-electoral-risk-in-moldova>

<sup>65</sup> Ibid.

<sup>66</sup> Ibid.

Boosted content that is political or issue-based is difficult to monitor because it falls between original ‘organic’ posts and authorised political ads, both of which are tailored to exploit platform algorithms to amplify performance and personality over informational quality. Varying methods in labelling across platforms also make it challenging to differentiate boosted political content from authorised political advertisements that have passed (automated) scrutiny albeit problems in the latter<sup>67</sup>. The combined mix which enables agenda-driven actors to make their mark without transparency or compliance with electoral regulations. Users, regulators, and non-partisan election observers all may struggle to identify differences in the integrity of political messaging within this mix.

### ***Stronger definitions = more transparency***

Though this is primarily a recommendation for resilience building rather than a DSA-related one (since the DSA does not regulate paid content outside electoral contexts), policymakers and regulators can develop a more comprehensive definition of political advertising to strengthen electoral safeguards and prevent covert voter persuasion. The definition should specifically consider the effect of paid influencers and boosted content.

Within this definition, a key issue to focus on should be where influencer endorsement payments are made. Existing language for campaign disclosure on traditional media can be reviewed and adapted to suit the social and online media contexts, including the EU regulation on the transparency and targeting of political advertising that will begin to apply in October 2025.<sup>68</sup> With this established definition as a starting point, the demand for transparency from platforms could then be publicly accessible details on the source, content, and targets of the paid content.<sup>69</sup>

As platforms typically lack robust policies requiring influencer disclosure of sponsored political content and influencers generally lack journalistic ethics training, these gaps open the door for voter manipulation.<sup>70</sup> Defining political advertising with detail and accounting for the exploitation of loopholes to share unmoderated political campaign content by influencers is a key action that national authorities can take to bolster the integrity of their elections and address systemic risk. Electoral regulators can also call for influencers to voluntarily sign up to the code of conduct which is applicable to traditional media outlets.

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<sup>67</sup> Legal Resources Centre and Global Witness. 2023. *Facebook, X/Twitter, YouTube and TikTok approve violent misogynistic hate speech adverts for publication in South Africa*. <https://lrc.org.za/facebook-x-twitter-youtube-and-tiktok-approve-violent-misogynistic-hate-speech-adverts-for-publication-in-south-africa/>

<sup>68</sup> Council of the European Union. (2024, March 11). *EU introduces new rules on transparency and targeting of political advertising* [Press release]. <https://www.consilium.europa.eu/en/press/press-releases/2024/03/11/eu-introduces-new-rules-on-transparency-and-targeting-of-political-advertising/>

<sup>69</sup> See, Nichols, C. & Shen, N., et al., supra note 55.

<sup>70</sup> Mahmood, S., Das, A. & Mungra, D. (2024, April). *How Social Media Influencers are Scaling Surrogate Political Campaigns in Global Majority Elections*. TechGlobal Institute, 3-5 and 21. <https://techglobalinstitute.com/research/how-social-media-influencers-are-scaling-surrogate-political-campaigns-in-global-majority-elections>





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