

Final Report D2.6: Recommendations on the EU regulatory framework on election disinformation

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1. Introduction

This Final Report (D2.6) sets out recommendations for specific legislative and regulatory policy recommendations for the EU regulatory framework on disinformation during elections, building upon the findings detailed in earlier research in relation to community-governed platforms' approach to disinformation.¹ It is the fourth and final report of the DEM-Debate project (Building an Enabling Environment for Democratic Debate: Insights from community-governed platforms to cultivate a resilient election information ecosystem in Europe), an interdisciplinary research project examining how to increase resilience of the online information ecosystem to safeguard informed civic participation. In particular, the DEM-Debate project examines how certain community-governed platforms tackle election disinformation, including through a case study of Wikipedia during the 2024 European Parliament elections. Based on this research, the DEM-Debate project seeks to develop new policy approaches to contribute to ensuring the information ecosystem surrounding elections in the EU is sufficiently insulated from the harmful effects of disinformation, with the research seeking to contribute to building an enabling environment” for democratic debate.²

As noted in the first Mapping Report (D2.1),³ European legal research has mainly focused on the role of large commercial online platforms, operating a centralised-governed model (e.g., TikTok, Instagram, YouTube, and X), in the dissemination of disinformation during elections, and current European legal policy is mainly focused on these online platforms.⁴ However, there has been less in-depth European legal analysis given to examining (non-commercial) community-governed platforms, and how they tackle disinformation during elections in the EU,

¹ See, R. Fahy, I. Toepoel, and J. van Hoboken, *European regulatory frameworks on election disinformation applicable to community-governed platforms* (Dem-Debate, 2025); R. Fahy, G. Trogrlić, L. Koraki, and J. van Hoboken, *Policies and risk-mitigation measures on election disinformation by Wikipedia* (Dem-Debate, 2025); and R. Fahy, G. Trogrlić, and J. van Hoboken, *Critical legal analysis of the application of European election disinformation regulation to community-governed platforms* (Dem-Debate, 2025).

² See Council of Europe Steering Committee for Media and Information Society, *Guidance Note on countering the spread of online mis- and disinformation through fact-checking and platform design solutions in a human rights compliant manner* (Council of Europe, 2023), p. 35, <https://edoc.coe.int/en/internet/11885-guidance-note-on-countering-the-spread-of-online-mis-and-disinformation-through-fact-checking-and-platform-design-solutions-in-a-human-rights-compliant-manner.html>.

³ R. Fahy, I. Toepoel, and J. van Hoboken, *European regulatory frameworks on election disinformation applicable to community-governed platforms* (Dem-Debate, 2025), https://www.ivir.nl/publicaties/download/European_regulatory_frameworks_on_election_disinformation.pdf.

⁴ See, for example, OECD, *Facts not Fakes: Tackling Disinformation, Strengthening Information Integrity* (2024), https://www.oecd.org/en/publications/2024/03/facts-not-fakes-tackling-disinformation-strengthening-information-integrity_ff96d19f.html; M. Husovec, “The Digital Services Act’s red line: what the Commission can and cannot do about disinformation” (2024) *Journal of Media Law*, 16(1), 47; S. Galantino, “How Will the EU Digital Services Act Affect the Regulation of Disinformation?” (2023) *SCRIPTed*, 20(1), 89; A. Strowel and J. De Meyere, “The Digital Services Act: transparency as an efficient tool to curb the spread of disinformation on online platforms?” (2023) 14 *JIPITEC* 66; and J. van Hoboken and R. Ó Fathaigh, “Regulating Disinformation in Europe: Implications for Speech and Privacy” (2021) 6 *UC Irvine Journal of International, Transnational, and Comparative Law* 9.

and how European disinformation regulation applies to these platforms. Building on work by scholars such as Grimmelmann,⁵ Rozenshtein,⁶ and Seering,⁷ community-governed platforms broadly encompass those online platforms where content moderation is *generally* not undertaken in a centralised “top-down” approach, but rather is “user-led moderation” undertaken by a community of users of the platform in a generally decentralised manner.⁸

The DEM-Debate project’s legal research proceeded in four phases: first, a mapping of the EU regulatory frameworks on online disinformation during elections that are applicable to community-governed platforms; which resulted in Mapping Report D2.1, published in February 2025.⁹ Second, an examination of Wikipedia’s policies on tackling disinformation during elections in the EU, and its risk mitigation measures targeting election disinformation under the DSA; which resulted in Mapping Report D2.3, and published in June 2025.¹⁰ Third, a critical assessment of the application of EU regulatory frameworks on disinformation during elections to community-governed platforms, using Wikipedia as a case study; which resulted in Evaluation Report D2.4, and published in October 2025.¹¹ And fourth, developing policy recommendations for specific legislative and regulatory reforms of the EU regulatory framework to better counter disinformation during elections, building upon the findings of previous phases in relation to community-governed platforms’ approach to disinformation; which is the subject of this Final Report (D2.6).

As such, the purpose of this Final Report (D2.6) is to integrate the findings of Mapping Report D2.1, Mapping Report D2.3, and Evaluation Report D2.4, and develop recommendations for specific legislative and regulatory reforms for the EU regulatory framework to better counter disinformation during elections. In this regard, the recommendations will (a) consider a broader regulatory reform on disinformation during elections, including enforcement practices for

⁵ J. Grimmelmann, “The Virtues of Moderation” (2015) 17 *Yale Journal of Law and Technology* 42.

⁶ A. Rozenshtein, “Moderating the Fediverse: Content Moderation on Distributed Social Media” (2023) *Journal of Free Speech Law* 217.

⁷ J. Seering, “Reconsidering Self-Moderation: the Role of Research in Supporting Community-Based Models for Online Content Moderation,” (2020) *Proceedings of the ACM on Human-Computer Interaction*, Vol. 4, 1. See also, J. Seering & S. Kairam, “Who Moderates on Twitch and What Do They Do?: Quantifying Practices in Community Moderation on Twitch”, *Proceedings of the ACM on Human-Computer Interaction*, Vol. 7, 1.

⁸ A. Rozenshtein, “Moderating the Fediverse: Content Moderation on Distributed Social Media” (2023) *Journal of Free Speech Law* 217.

⁹ R. Fahy, I. Toepoel, and J. van Hoboken, *European regulatory frameworks on election disinformation applicable to community-governed platforms* (Dem-Debate, 2025), https://www.ivir.nl/publicaties/download/European_regulatory_frameworks_on_election_disinformation.pdf.

¹⁰ R. Fahy, G. Trogrlić, L. Koraki, and J. van Hoboken, *Policies and risk-mitigation measures on election disinformation by Wikipedia* (Dem-Debate, 2025), https://www.ivir.nl/publicaties/download/Policies_and_risk-mitigation_measures_on_election_disinformation_by_Wikipedia.pdf.

¹¹ R. Fahy, G. Trogrlić, and J. van Hoboken, *Critical legal analysis of the application of European election disinformation regulation to community-governed platforms* (Dem-Debate, 2025).

regulators (both at EU and national level); and (b) also seek to ensure community-governed platforms can operate in a regulatory environment where there are no disproportionate regulatory constraints in providing an online environment to promote election-related freedom of expression.

The Report is structured as follows: first, Section 2 begins with a brief overview of important current regulatory developments relating to European election disinformation regulation, the Digital Services Act,¹² and Wikipedia, since the Evaluation Report (D2.3) was published in October 2025. Section 3 examines recommendations for specific legislative and regulatory reforms of the EU regulatory framework, particularly with regard to the DSA, to better counter disinformation during elections, building upon the findings of previous reports in relation to community-governed platforms' approach to disinformation. Section 4 turns to assessing how mechanisms adopted by community-governed platforms, such as Wikipedia, may have potential to inform policy making on election disinformation regulation in the EU. Section 5 then broader regulatory reform on disinformation during elections, specifically enforcement practices for regulators (both at EU and national level). It will also consider how to ensure that community-governed platforms can operate in a regulatory environment where there are no disproportionate regulatory constraints in providing an online environment to promote election-related freedom of expression. Section 6 concludes.

Finally, this Final Report (D2.6) draws upon the results of the first Mapping Report (D2.1) on the EU regulatory frameworks on online disinformation during elections that are applicable to community-governed platforms; the second Mapping Report (D2.3), which examined Wikipedia's policies and risk-mitigation measures that are applicable to disinformation during elections in the EU; and the Evaluation Report (D2.4), which was a critical assessment of the application of EU regulatory frameworks on disinformation during elections to community-governed platforms, using Wikipedia as a case study. As such, and for the purposes of this analysis, it is assumed the reader has read these earlier reports.

¹² 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). See generally, J. van Hoboken et al., *Putting the DSA into Practice* (Verfassungsbooks, 2023); M. Husovec, *Principles of the Digital Services Act* (Oxford University Press, 2024); and R. O Fathaigh, D. Buijs, and J. van Hoboken, "The Regulation of Disinformation Under the Digital Services Act" (2025) 13 *Media and Communication* 1.

2. Recent developments on the DSA, election disinformation regulation, and Wikipedia

Before setting out the recommendations for specific legislative and regulatory reforms of the EU regulatory framework on disinformation during elections, it is important to first set out a number of recent developments since the Evaluation Report (D2.3) was published in October 2025, which are relevant for the discussion below.

This first issue to mention is that in November 2025, the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy, adopted the much-anticipated European Democracy Shield, a new policy framework which generally seeks to (a) safeguard the “integrity of the information space,” (b) strengthen free and fair elections, and (c) boost societal resilience.¹³ In this regard, a European Centre for Democratic Resilience will be established, to address “foreign information manipulation and interference” and “disinformation”, and will facilitate coordination and information sharing between Member States, EU candidate countries and potential candidates, and EU institutions, bodies, offices and agencies, including the European External Action Service.¹⁴ Further, the Commission will also establish an independent European Network of Fact-Checkers, which will include an independent repository for fact-checking to consolidate fact-checks issued by independent, eligible and trusted organisations.¹⁵

Of note, and in relation to the DSA, the European Democracy Shield states the Commission (together with the European Board for Digital Services) will prepare a “DSA incidents and crisis protocol” under Article 48 DSA, to address “major incidents and interference in the information environment”, to “ensure swift reactions to large-scale and potentially transnational information operations”.¹⁶ Notably, the crisis protocol may be supported by the European Centre for Democratic Resilience. While the European Democracy Shield also emphasises how influencers play an “increasingly significant role” in “online political campaigns”, and as such, the

¹³ European Commission and High Representative of the Union for Foreign Affairs and Security Policy, European Democracy Shield: Empowering Strong and Resilient Democracies, JOIN(2025) 791 final, https://commission.europa.eu/document/download/2539eb53-9485-4199-bfdc-97166893ff45_en?filename=JUST_te_mplate_comingsoon_standard_1.pdf. See, Franca Maria Feisel, The European Democracy Shield and Its Whole-of-Society Approach, *Verfassungsblog*, 20 November 2025, <https://verfassungsblog.de/the-european-democracy-shield-whole-of-society/>.

¹⁴ European Commission and High Representative of the Union for Foreign Affairs and Security Policy, European Democracy Shield: Empowering Strong and Resilient Democracies, JOIN(2025) 791 final, p. 2.

¹⁵ European Commission and High Representative of the Union for Foreign Affairs and Security Policy, European Democracy Shield: Empowering Strong and Resilient Democracies, JOIN(2025) 791 final, p. 7.

¹⁶ European Commission and High Representative of the Union for Foreign Affairs and Security Policy, European Democracy Shield: Empowering Strong and Resilient Democracies, JOIN(2025) 791 final, p.6.

Commission will set up a voluntary network of influencers to raise awareness about “responsibilities” when engaging in political campaigning and promote the exchange of best practice.¹⁷ And the final notable point about the European Democracy Shield, and of relevance to Wikipedia, is that when reading through the whole policy framework, it really comes to the fore how disinformation and foreign information manipulation are very much a problem related to social media platform: there is a large focus on “inauthentic use of social media,” “fake social media accounts,” and “artificial amplification of divisive content,”¹⁸ with disinformation spread through “inauthentic behaviour like fake accounts, AI and bot-driven amplification and inauthentic engagements.”¹⁹ Coupled with this is how the policy responses also very much revolve around aspects of social media platform systems that are absent from community-governed platforms, such as Wikipedia, including strengthening efforts as regards the “transparency of recommender systems” and “demonetise disinformation”, including to “remove financial incentives for disinformation via advertising revenues”. Thus, there is a notable focus on social media platforms; and also a notable focus on advertising, recommender systems, and demonetisation of disinformation, which are not fully applicable to Wikipedia.

Second, and also in November 2025, the European Board for Digital Services published its first report under Article 35 DSA on the most prominent and recurrent systemic risks as well as mitigation measures.²⁰ The report discusses disinformation, and the first point is how the report emphasised that “[d]efinitions of misinformation and disinformation vary across providers,” demonstrating that there are still fundamental issues with how disinformation is defined by platforms, with the Report mentioning that “disinformation” under the Code of Conduct on Disinformation is used by the signatories to include varying concepts such as “misinformation, disinformation, information influence operations and foreign interference in the information space”.²¹ And the second point about disinformation, is how the Report, similar to the European Democracy Shield, very much frames disinformation with an exclusive focus on social media VLOPs. The Report notes the risks linked to how platform systems “enable amplification”, such as through “recommendation algorithms” or “advertising services”; and how “social media

¹⁷ European Commission and High Representative of the Union for Foreign Affairs and Security Policy, European Democracy Shield: Empowering Strong and Resilient Democracies, JOIN(2025) 791 final, p. 13

¹⁸ European Commission and High Representative of the Union for Foreign Affairs and Security Policy, European Democracy Shield: Empowering Strong and Resilient Democracies, JOIN(2025) 791 final, p. 17.

¹⁹ European Commission and High Representative of the Union for Foreign Affairs and Security Policy, European Democracy Shield: Empowering Strong and Resilient Democracies, JOIN(2025) 791 final, p. 17.

²⁰ European Board for Digital Services, First report of the European Board for Digital Services in cooperation with the Commission pursuant to Article 35(2) DSA on the most prominent and recurrent systemic risks as well as mitigation measures, 18 November 2025, <https://digital-strategy.ec.europa.eu/en/news/press-statement-european-board-digital-services-following-its-16th-meeting>.

²¹ European Board for Digital Services, First report of the European Board for Digital Services in cooperation with the Commission pursuant to Article 35(2) DSA on the most prominent and recurrent systemic risks as well as mitigation measures, 18 November 2025.

platforms acknowledged the potential role of their algorithmic content recommendation systems in the viral spread of misleading narratives”.²² There is also a complete focus on “algorithmic systems (including recommender systems and generative artificial intelligence systems), advertising systems”,²³ which did not apply to Wikipedia. Indeed, Wikipedia is nowhere mentioned in the Report in relation to disinformation, and only in relation to risks relating “[u]ser-to-user interactions on Wikipedia”, which could cause “distress or other emotional harms to targeted individuals or groups”, and not in relation to disinformation.²⁴

Third, in December 2025, the European Commission issued its first non-compliance Decision under the DSA,²⁵ where it fined X €120 million for “deceptive design of its ‘blue checkmark,’” a lack of transparency of its advertising repository, and failure to provide access to public data for researchers.²⁶ Notably, the Commission did not publish the text of the Decision, and was only published in the form of a press release. Indeed, the press release did not mention which specific provisions of the DSA had been violated. Controversially, in January 2026, the Chairman of the Committee on the Judiciary of the U.S. House of Representatives released a version of the European Commission decision on X, which runs to 184 pages, and is marked as “Sensitive” (“Distribution only on a ‘Need to know’ basis”).²⁷ The European Commission has not, to date, publicly commented on the publication.²⁸

Fourth, in February 2026, the Committee on the Judiciary of the U.S. House of Representatives published a 160-page report, entitled “The Foreign Censorship Threat, Part II: Europe’s

²² European Board for Digital Services, First report of the European Board for Digital Services in cooperation with the Commission pursuant to Article 35(2) DSA on the most prominent and recurrent systemic risks as well as mitigation measures, 18 November 2025, p. 19.

²³ European Board for Digital Services, First report of the European Board for Digital Services in cooperation with the Commission pursuant to Article 35(2) DSA on the most prominent and recurrent systemic risks as well as mitigation measures, 18 November 2025, p. 21.

²⁴ European Board for Digital Services, First report of the European Board for Digital Services in cooperation with the Commission pursuant to Article 35(2) DSA on the most prominent and recurrent systemic risks as well as mitigation measures, 18 November 2025, p. 14.

²⁵ European Commission, “Commission fines X €120 million under the Digital Services Act,” 5 December 2025, https://ec.europa.eu/commission/presscorner/detail/en/ip_25_2934.

²⁶ European Commission, “Commission fines X €120 million under the Digital Services Act,” 5 December 2025, https://ec.europa.eu/commission/presscorner/detail/en/ip_25_2934.

²⁷ See, European Commission, Decision of 5 December 2025 pursuant to Articles 73(1), 73(3) and 74(1) of 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) - Cases DSA.100101, DSA.100102 and DSA.100103 – X (formerly Twitter), https://judiciary.house.gov/sites/evo-subsites/repUBLICANS-judiciary.house.gov/files/2026-01/ACT_part1.pdf.

²⁸ See, Matteo Fabbri, “What the EU’s X Decision Reveals About How the DSA Is Enforced,” Tech Policy, 11 February 2026, <https://www.techpolicy.press/what-the-eus-x-decision-reveals-about-how-the-dsa-is-enforced/>; Ramsha Jahangir & Justin Hendrix, “EU Decision Behind €120m Fine on Musk’s X Released by US Lawmakers,” Tech Policy Press, 30 January 2026, <https://www.techpolicy.press/eu-decision-behind-120m-fine-on-musks-x-released-by-us-lawmakers/>.

Decade-Long Campaign to Censor the Global Internet and How it Harms American Speech in the United States”.²⁹ Notably, the report made a number of statements around EU election disinformation regulation, including in relation to the Netherlands, and the Dutch Digital Services Coordinator, which is the regulatory authority overseeing Wikipedia. First, in relation to the European Parliament elections 2024, the Report stated that “[i]n the month before the election, European Commission regulators summoned platforms for at least two meetings about election-specific content moderation measures,” and during these “DSA roundtables,” the European Commission warned platforms that it was “actively monitoring” them and would not hesitate to “take enforcement actions” if platforms did not sufficiently censor content. With that warning in mind, platforms presented to the European Commission “the specific actions and changes that they have made in relation to election readiness and that they are implementing in compliance with the DSA election guidelines.”³⁰ The Report argued that “[u]nder threat of regulatory retaliation,” the largest social media platforms made “‘specific’ censorship ‘changes’ for the EU elections,” and “aligned their content moderation rules with the censorious DSA Election Guidelines to suppress content opposing the EU’s ruling regime—which was on the ballot.”³¹ Thus, the Report framed DSA pre-election mechanisms are akin to censorship.

Further, the Report noted that the Authority for Consumers and Markets (ACM) held a meeting ahead of the 2025 Dutch parliamentary elections, and a “roundtable on elections in the context of the Digital Services Act” with European Commission regulators, companies including Alphabet, Meta, Microsoft, TikTok, and X, and censorious NGOs.”³² The Report stated that ACM and the European Commission asked platforms about “how content is prioritized” in algorithms, existing steps to censor “harmful content,” and “what structural improvements”—meaning additional censorship measures—were “needed before the elections[.]” The ACM and the European Commission “clearly expected platforms to take significant censorship steps ahead of the election.”³³ Finally, the Committee issued “document subpoenas to ten technology

²⁹ See, Interim Staff Report of the Committee on the Judiciary of the U.S. House of Representatives, *The Foreign Censorship Threat, Part II: Europe’s Decade-Long Campaign to Censor the Global Internet and How it Harms American Speech in the United States*, 3 February 2026, <https://judiciary.house.gov/media/press-releases/new-report-exposes-european-commission-decade-long-campaign-censor-american>.

³⁰ Interim Staff Report of the Committee on the Judiciary of the U.S. House of Representatives, *The Foreign Censorship Threat, Part II: Europe’s Decade-Long Campaign to Censor the Global Internet and How it Harms American Speech in the United States*, 3 February 2026, p. 109.

³¹ Interim Staff Report of the Committee on the Judiciary of the U.S. House of Representatives, *The Foreign Censorship Threat, Part II: Europe’s Decade-Long Campaign to Censor the Global Internet and How it Harms American Speech in the United States*, 3 February 2026, p. 109.

³² Interim Staff Report of the Committee on the Judiciary of the U.S. House of Representatives, *The Foreign Censorship Threat, Part II: Europe’s Decade-Long Campaign to Censor the Global Internet and How it Harms American Speech in the United States*, 3 February 2026, p. 35.

³³ Interim Staff Report of the Committee on the Judiciary of the U.S. House of Representatives, *The Foreign Censorship Threat, Part II: Europe’s Decade-Long Campaign to Censor the Global Internet and How it Harms American Speech in the United States*, 3 February 2026, p. 107.

companies, requiring them to produce communications with foreign governments, including the European Commission and European Union (EU) Member States, regarding content moderation”.³⁴ Notably, the Wikimedia Foundation and Wikipedia were not included in the subpoenas. These are discussed further below, but one issue that needs to be addressed is the full lack of transparency around the election roundtables and meetings creating a transparency vacuum, which facilitates this U.S. Report to frame these meetings in “censorous” terms. Thus, the recommendations below on full transparency would counter these framings, where the European Commission and ACM should operate on a principle of presumption of full disclosure.

³⁴ Interim Staff Report of the Committee on the Judiciary of the U.S. House of Representatives, *The Foreign Censorship Threat, Part II: Europe's Decade-Long Campaign to Censor the Global Internet and How it Harms American Speech in the United States*, 3 February 2026, p. 1.

3. Wikipedia, the DSA, and election disinformation

Having set out the introductory points, this section now seeks to discuss policy options and recommendations for legislative and regulatory reforms of the EU regulatory framework on election disinformation, particularly with regard to the DSA. It builds upon the findings of the previous reports in relation to the application of the regulatory framework to community-governed platforms, and community-governed platforms approach to disinformation. Of particular note, this Final Report sets out policy options and recommendations with explicit regard to Article 91 DSA, which contains a specific obligation on the European Commission to review and evaluate various aspects of the DSA next year (2027).³⁵

In this regard, according to Article 91 DSA, the Commission “shall” evaluate the DSA, and report to the European Parliament, the Council and the European Economic and Social Committee.³⁶ This reporting is required by 17 November 2027, covering issues including the “scope” of VLOPs under Article 33 DSA, the “scope” of the obligations on small and micro enterprises,³⁷ the application of Articles 16, 20, 21, 45 and 46,³⁸ the effectiveness of “supervision and enforcement mechanisms,”³⁹ and importantly, the “impact” on the right to freedom of expression and information.⁴⁰ Indeed, the Commission, where appropriate, shall include a “proposal for amendment” of the DSA alongside the report. Moreover, for these upcoming evaluations, the Commission “shall” take into account findings from other relevant bodies or sources and ‘shall’ pay specific attention to small and medium-sized enterprises, as well as the position of new competitors.⁴¹ Crucially, this Final Report takes this Article 91 review into account and builds on these Article 91-review requirements with regard to the recommendations.

And a preliminary point from our analysis in the previous three reports, is that it can be argued that Wikipedia is fundamentally different from most other VLOPs currently regulated under the DSA. These VLOPs are primarily large commercial social media and marketplace platforms. Whereas these platforms typically operate on the basis of centralised governance structures, advertising-driven business models, and algorithmic content distribution systems, Wikipedia functions as a non-profit, community-governed encyclopaedia based on decentralised moderation practices and strict content rules focused on neutrality, verifiability, and reliable sourcing. This raises the important question of whether Wikipedia fits neatly within the DSA’s

³⁵ Article 91, DSA.

³⁶ Article 92 DSA.

³⁷ Article 92(2)(d) DSA.

³⁸ Article 92(2)(c) DSA.

³⁹ Article 92(2)(e) DSA.

⁴⁰ Article 92(2)(f) DSA.

⁴¹ Article 92(6) DSA.

VLOP framework which applies to election disinformation, or whether there are arguments against this.

3.1 Definition of disinformation

The first major issue to consider in terms of recommendations on the European regulatory frameworks on election disinformation is the definition of disinformation, and the implications of this for how community-governed platforms tackle election disinformation. It is important to note that for community-governed platforms, EU legislation, including the DSA, does not set out a legal definition of disinformation, and no legal definition of election disinformation is contained in EU legislation. While there are certain policy definitions which are used by the European Commission, and in the 2025 Code of Conduct on Disinformation,⁴² for the purposes of legal obligations applicable to community-governed platforms, there is no legal definition that community-governed platforms are required to adopt. Indeed, in 2025, for the first time in EU legislation, the European Media Freedom Act now states that disinformation is “harmful content,” not illegal content, but without providing a specific definition.⁴³ As such, community-governed platforms do seem to have some discretion, as do centralised-governed platforms, to define election disinformation in their own terms. On the other hand, the lack of a legal definition does raise a distinct issue under Article 10 ECHR, especially where any interference with freedom of expression must be “prescribed by law”, and a “norm cannot be regarded as a “law” within the meaning” of Article 10 unless it is formulated with “sufficient precision as to enable a person to regulate his or her conduct”.⁴⁴ Indeed, international human rights bodies have emphasised that difficulties with defining disinformation can provide authorities with “excessive discretion to determine what is disinformation, what is a mistake, what is truth.”⁴⁵

However, there are specific policy definitions that are used by EU institutions and regulatory bodies, such as the European Commission. And for the purposes of this Final Report, a widely-adopted definition is that of the European Commission, which defines disinformation as

⁴² See Code of Conduct on Disinformation 2025, <https://digital-strategy.ec.europa.eu/en/library/code-conduct-disinformation> (“false or misleading content that is spread with an intention to deceive or secure economic or political gain and which may cause public harm”); which cites Commission Communication, On the European democracy action plan, COM(2020) 790 final (“false or misleading content that is spread with an intention to deceive or secure economic or political gain and which may cause public harm”).

⁴³ 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), art. 19.

⁴⁴ See, *NIT S.R.L. v. the Republic of Moldova* [GC], Application no. 28470/12, 5 April 2022, para. 159.

⁴⁵ See, United Nations (UN) Special Rapporteur on Freedom of Opinion and Expression, the Organization for Security and Co-operation in Europe (OSCE) Representative on Freedom of the Media, and the Organization of American States (OAS) Special Rapporteur on Freedom of Expression, Joint Declaration on Freedom of Expression and Elections in the Digital Age, 30 April, <https://www.osce.org/representative-on-freedom-of-media/451150>.

“false or misleading content that is spread with an intention to deceive or secure economic or political gain and which may cause public harm”.⁴⁶ Notably, this definition is used in the Code of Conduct of Disinformation, which has recently in 2025 taken on a new significance, as the Code was officially recognised as a Code of Conduct under Article 45 DSA (and explicitly becomes part of the DSA regulatory framework).⁴⁷ And from July 2025, the Code became applicable.⁴⁸ As such, this definition of disinformation is arguably the most applicable under the EU regulatory framework on election disinformation.

A crucial feature of this definition (“false or misleading content that is spread with an intention to deceive or secure economic or political gain and which may cause public harm”) is the element of “intention,” which distinguishes disinformation from misinformation, which lacks the element of intention (where false content is shared without intent to harm, and is shared in good faith).⁴⁹ And a notable point on the application of this definition is that English Wikipedia and the Wikimedia Foundation’s policies on false information actually overlap with the EU definition. Crucially, the Wikimedia Foundation’s Terms of Use specifically prohibit “engaging in false statements,” including “posting or modifying content with the intent to deceive or mislead others”.⁵⁰ While the Wikimedia Foundation’s Universal Code of Conduct also prohibits “deliberately” introducing “false”, or “inaccurate content”, including “deliberately false rendering of sources and altering the correct way of composing editorial content.”⁵¹ Notably, English Wikipedia’s rules on vandalism and “accidental misinformation” include that a user who, “in good faith,” adds content to an article that is “factually inaccurate in the belief that it is accurate,” is trying to “contribute to and improve Wikipedia, not vandalize it.”⁵² And where editors “believe inaccurate information has been added to an article in good faith,” editors should “remove it once you are certain it is inaccurate, and consider discussing its factuality with the user who has added it.”⁵³

⁴⁶ European Commission, Communication on the European democracy action plan, COM(2020) 790 final. See also, European Commission, Tackling online disinformation: a European Approach, COM/2018/236 final, (“verifiably false or misleading information that is created, presented and disseminated for economic gain or to intentionally deceive the public, and may cause public harm”).

⁴⁷ European Commission, “Commission endorses the integration of the voluntary Code of Practice on Disinformation into the Digital Services Act”, 13 February 2025, <https://digital-strategy.ec.europa.eu/en/news/commission-endorses-integration-voluntary-code-practice-disinformation-digital-services-act>.

⁴⁸ European Commission, The Code of Conduct on Disinformation, <https://digital-strategy.ec.europa.eu/en/library/code-conduct-disinformation>.

⁴⁹ European Commission, Communication on the European democracy action plan, COM(2020) 790 final. See also, European Commission, Tackling online disinformation: a European Approach, COM/2018/236 final, sec. 4 (“false or misleading content shared without harmful intent though the effects can still be harmful, e.g. when people share false information with friends and family in good faith”).

⁵⁰ Wikimedia Foundation, “Wikimedia Foundation Terms of Use”, section 4, https://foundation.wikimedia.org/wiki/Policy:Terms_of_Use.

⁵¹ Wikimedia Foundation, “Wikimedia Foundation Universal Code of Conduct”, section 3.3, https://foundation.wikimedia.org/wiki/Policy:Universal_Code_of_Conduct.

⁵² See, English Wikipedia, “Wikipedia:Vandalism”, <https://en.wikipedia.org/wiki/Wikipedia:Vandalism>.

⁵³ See, English Wikipedia, “Wikipedia:Vandalism”, <https://en.wikipedia.org/wiki/Wikipedia:Vandalism>.

Thus, an important finding is that Wikipedia and Wikimedia Foundation policies also place “intention” as a central notion in policies targeting false information, and very much align with the European Commission’s definition and Code of Practice 2025 definition of disinformation. Thus, it can be argued that EU regulation of election disinformation does not currently mean that Wikipedia needs to adopt a specific definition of disinformation to comply with EU disinformation regulation, but rather, its current rules are very much aligned with the EU definition. Indeed, a possible broader policy learning (discussed further below) from Wikipedia could be informing and explaining to users who share “misinformation” about the lack of accuracy of the information that the user has shared.

However, a fundamental question arises if disinformation should be defined in the DSA, and is the current situation acceptable, where disinformation is not defined, and VLOPs are supposed to take mitigation measures in relation to election-related disinformation. Notably, in spring 2025, the European Court of Human Rights delivered a landmark judgment on disinformation laws. Crucially, and fully consistent with its earlier judgments on similar false information laws before the pandemic,⁵⁴ the Court unanimously held a violation of freedom of expression under Article 10 ECHR, over legislation prohibiting the dissemination of information “known to be untrue,” and which “created a risk” of harming life or health or property, or undermining public security.⁵⁵ And in particularly trenchant language, the Court held that sanctions for Instagram posts “expressing scepticism about official information” appeared “more calculated to discourage open debate about matters of public concern” than to “protect public health.”⁵⁶ Indeed, in late summer 2025, the Court delivered a second judgment, following an application from Google and YouTube, holding that penalising an online platform for hosting content “presenting alternative views on military actions,” and classed as false information, strikes at the “very heart of the Internet’s function as a means for the free exchange of ideas and information.”⁵⁷ Thus, the European Court of Human Rights continues to express serious concern over legislation which prohibits false information and disinformation.

It follows from the above that there are certain recommendations that can be made around the definition of the disinformation. First, the European Commission, and national Digital Services Coordinators, need to recognise that the notion of disinformation is actually captured under certain EU member state legislation, and can qualify as “illegal content” under Article 3 DSA.⁵⁸ Research has documented the growing criminalisation of disinformation at an EU member

⁵⁴ Avagyan v. Russia, Application no. 36911/20, 29 April 2025.

⁵⁵ Avagyan v. Russia, Application no. 36911/20, 29 April 2025.

⁵⁶ Avagyan v. Russia, Application no. 36911/20, 29 April 2025, para. 37.

⁵⁷ Google LLC and Others v. Russia, Application no. 37027/22, 8 July 2025, para. 80.

⁵⁸ For the definition of illegal content under the DSA, see Article 3(h) DSA (“any information that, in itself or in relation to an activity, including the sale of products or the provision of services, is not in compliance with Union law or the law of any Member State...”).

states level,⁵⁹ and this needs to be squared with the current categorisation of disinformation as merely “harmful content”.⁶⁰ Second, the European Commission should also update on how it views criminal laws on disinformation: during the Covid-19 pandemic, the Commission warned about how “several” Member States had criminal laws “related to disinformation”, and such laws which define these crimes in “too broad terms” and “disproportionate penalties” can to “self-censorship”, and raise “particular concerns” as regards freedom of expression.⁶¹ And finally, in relation to specific obligations under the DSA, and as demonstrated in the first Mapping Report (D2.1) and in the third Evaluation Report (D2.4), it should be emphasised that there is no specific provision in the DSA requiring online platforms, including community-governed platforms, such as Wikipedia, to remove or prohibit election disinformation. However, an important point is that where election disinformation qualifies as illegal content under EU member state legislation, the DSA does contain provisions (e.g., Article 9), where platforms may be ordered to remove certain illegal content. It should be noted that other VLOPs, including the Wikimedia Foundation, have reported being subject to Article 9 orders and Article 16 notices under national laws applicable to disinformation.⁶² Again, the Commission needs to address how disinformation can be still classed as only harmful content, and the implications of the DSA facilitating the removal of disinformation classed as illegal content under national laws. There are further related points raised below in relation to the definition of illegal content and the procedures for Digital Services Coordinators under Article 9.

3.2 Wikipedia as an online platform

The second major issue under consideration for recommendations is the capturing of Wikipedia by the DSA, as well as its classification as a VLOP. The question of whether it should have been covered by the DSA in the first place will be addressed, as well as whether it should be classified as a VLOP. Various aspects regarding its qualification will be discussed in the context of both the current situation and potential future approaches. First, we will establish how Wikipedia qualifies under the DSA and reiterate previous findings on the definition of an online platform, the educational/encyclopedia-exception under the Digital Single Market Directive, and the small business exception under the DSA after which these issues will be examined in more detail.

⁵⁹ See also, Konrad Bleyer-Simon and Urbano Reviglio, *Defining Disinformation across EU and VLOP Policies* (European Digital Media Observatory, 2024), <https://edmo.eu/publications/defining-disinformation-across-eu-and-vlop-policies/>.

⁶⁰ 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), art. 19.

⁶¹ European Commission, *Joint Communication on Tackling COVID-19 disinformation - Getting the facts right*, JOIN(2020) 8 final, 10 June 2020, <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52020JC0008>.

⁶² See those mentioned in R. O Fathaigh, D. Buijs, and J. van Hoboken, “The Regulation of Disinformation Under the Digital Services Act” (2025) 13 *Media and Communication* 1, at 4.

3.2.1 Scope of the DSA

Beginning with the scope of the DSA, this Regulation applies to intermediary services. There are different kinds of intermediary services, with various obligations and liability exemptions depending on the role and category a service provider falls into. There are three kinds of intermediary services that the DSA distinguishes, namely a “mere conduit” service,⁶³ a “caching” service,⁶⁴ and a “hosting” service.⁶⁵ For this study, the last type of service is the most relevant: a hosting service, which is defined as a service “consisting of the storage of information provided by, and at the request of, a recipient of the service”.⁶⁶

Within this definition of a hosting service, the DSA distinguishes “online platforms”, which must meet certain additional obligations. Under Article 3(i) DSA, an online platform is “a hosting service that, at the request of a recipient of the service, stores and disseminates information to the public, unless that activity is a minor and purely ancillary feature of another service or a minor functionality of the principal service and, for objective and technical reasons, cannot be used without that other service, and the integration of the feature or functionality into the other service is not a means to circumvent the applicability of this Regulation”.⁶⁷ To clarify, while hosting services in general simply provide a technical function of storage of third-party information, this definition of an online platform makes it clear that services that exercises this activity for instance as a minor and purely ancillary feature of another service, cannot be defined as an online platform. Storing and “disseminating information to the public” needs to be a core feature to be captured as an online platform.

The European Commission has issued a 2023 Decision that states Wikipedia is an online platform, as it is a “hosting service within the meaning of [Article 3 (g)(iii) DSA] that stores and disseminates information to the public at the request of recipients of its service”, and it is “therefore an online platform within the meaning“ of the DSA.⁶⁸

⁶³ See DSA, Article 3(g)(i) (“a ‘mere conduit’ service, consisting of the transmission in a communication network of information provided by a recipient of the service, or the provision of access to a communication network”).

⁶⁴ See DSA, Article 3(g)(ii) (“a ‘caching’ service, consisting of the transmission in a communication network of information provided by a recipient of the service, involving the automatic, intermediate and temporary storage of that information, performed for the sole purpose of making more efficient the information's onward transmission to other recipients upon their request”).

⁶⁵ See, DSA, Article 3(g)(iii).

⁶⁶ See DSA, Article 3(g)(iii).

⁶⁷ See DSA, Article 3(i).

⁶⁸ European Commission, Commission Decision designating Wikipedia as a very large online platform in accordance with Article 33(4) of Regulation (EU) 2022/2065 of the European Parliament and of the Council, 24 March 2023, C(2023) 2742 final, para. (1).

3.2.2 DSA definition of content moderation

The definition of online platforms is quite broad,⁶⁹ meaning that community-governed platforms are captured by the definition, and no distinction is made based on how moderation is undertaken. Content moderation is defined under the DSA as “activities, whether automated or not, undertaken by providers of intermediary services, that are aimed, in particular, at detecting, identifying and addressing illegal content or information incompatible with their terms and conditions, provided by recipients of the service, including measures taken that affect the availability, visibility, and accessibility of that illegal content or that information, such as demotion, demonetisation, disabling of access to, or removal thereof, or that affect the ability of the recipients of the service to provide that information, such as the termination or suspension of a recipient’s account.”⁷⁰ Indeed within this definition, content moderation can be either automated or manual. As such, in principle, most obligations under the DSA which are applicable to centrally-governed online platforms are also applicable to community-governed platforms (unless a platform qualifies as a micro enterprise). Notably, the definition of content moderation mentions that it is undertaken “by providers of intermediary services”.

Thus, the definition would not capture content moderation undertaken by volunteers users in a community-governed platform, and would seem to capture the content moderation undertaken by the provider of the online platform itself. In this regard, the European Commission has identified the Wikimedia Foundation as the sole “provider” of Wikipedia, while the independent auditors also noted that the only actions within the scope of the audit “are those conducted directly” by the Wikimedia Foundation, and “not the actions of the volunteer community”,⁷¹ even though the community of volunteers address the “vast majority of content and conduct issues” on Wikipedia.⁷²

3.2.3 Copyright: i.e. Directive on Copyright in the Digital Single Market (DSM Directive)

It is notable that the DSA did not adopt an approach similar to the Digital Single Market Directive, where there is an explicit exemption for “not-for-profit online encyclopedias” from the definition of “online content-sharing service provider”.⁷³ Similarly, the definition of an “online content-sharing service provider” under the Digital Single Market Directive includes a for-profit

⁶⁹ See, DSA, Article 3(1)(i).

⁷⁰ See, DSA, Article 3(t).

⁷¹ See, European Commission, Commission Decision designating Wikipedia as a very large online platform in accordance with Article 33(4) of Regulation (EU) 2022/2065 of the European Parliament and of the Council, 24 March 2023, C(2023) 2742 final, section 6 and Wikimedia Foundation, “Wikipedia DSA Audit Report 2023-24 Public.pdf”, https://foundation.wikimedia.org/wiki/File:Wikipedia_DSA_Audit_Report_2023-24_Public.pdf, p. 9.

⁷² Wikimedia Foundation, EU Digital Services Act information (Transparency report – January to June 2025), <https://wikimediafoundation.org/who-we-are/transparency/2025-1/eu-digital-services-act-information/>.

⁷³ Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC, Article 2(6).

element, so it only includes those providers with “profit-making purposes”.⁷⁴ And a consequence of the foregoing point is that community-governed platforms are not generally exempt from DSA obligations because they operate a community-based content moderation framework. This is also the case for Wikipedia.

The approach taken under the Digital Single Market Directive could be relevant to this discussion. Explicitly excluding ‘not-for-profit online encyclopaedias’ might be a useful approach to consider within the Digital Services Act. By making a similar distinction, community-governed, non-profit platforms such as Wikipedia potentially would face different governance and operational requirements to commercial intermediaries. This distinction could be important in future discussions about modifying platform regulation, given the differences in governance structures and operational methods between commercial and community-governed, often non-commercial platforms.

Additionally, an argument could be made for an encyclopaedia-specific exception to the online platform definition under the DSA, given the fundamentally different nature of the information published on Wikipedia compared to that disseminated on commercial platforms designated as Very Large Online Platforms (VLOPs) under the DSA. As discussed in earlier reports, the content rules of the Wikimedia Foundation and Wikipedia reveal that election-related information published on Wikipedia is of a wholly different nature to information disseminated on other commercial Very Large Online Platforms (VLOPs) designated under the DSA. Indeed, the election-related information permitted to be published on Wikipedia is arguably so far removed, and fundamentally different, to election-related content posted on social media VLOPs. Indeed, information published on election-related Wikipedia pages, including political candidate pages, political party pages, and election pages, is arguably more akin to information on “matters of public interest” or “public concern,” which enjoy the highest level of protection under the right to freedom of expression under Article 10 ECHR.⁷⁵

Thus, when actually considering the range of information related to elections that can be published on Wikipedia, it is in fact extremely narrow and limited, and only extends to well-sourced facts, described in a neutral manner, and cannot contain any opinion. This extremely limited type of allowable information on Wikipedia means it is a fundamentally different type of platform to, say, social media platforms, where users are generally allowed to publish a wider range of alleged facts, claims, allegations, or opinions, so long as they are not, in principle, illegal, or violating a platform’s specific terms and conditions. This also means that arguably the margin for election-related information to be disinformation on Wikipedia is a lot

⁷⁴ Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC, Article 2(6).

⁷⁵ See, for example, *Arvanitis and Phileleftheros Public Company Limited v. Cyprus*, Application no. 49917/22, 3 July 2025, para. 31.

less, as all opinions, allegations, or comments, are, in principle, prohibited, and all facts or claims without a reliable source are also, in principle, prohibited. Indeed, while Wikipedia is not a media organisation, it must be noted that the type of election-related information published on Wikipedia is very much aligned with the hallmarks of well-sourced journalistic content under case law of the European Court of Human Rights, in that it is “public interest” content based on “accurate and reliable information”.⁷⁶ This is also consistent with the finding from UK courts that Wikipedia’s operating model had “been shown to be effective in promoting freedom of expression whilst promoting a high quality of content”.⁷⁷

Finally, it should be noted that the EU legislature has taken a markedly different approach to the Council of Europe, where the definition of platforms is centred on algorithmic systems and data collection, where platforms are “digital services that connect users, set the rules for their interactions and make use of algorithmic systems to collect and analyse data and personalise their services.”⁷⁸ Indeed, the European Court of Human Rights has had regard to a graduated response to regulating platforms, where different considerations should apply to those with a non-commercial purpose.⁷⁹

As such, it is recommended that in its review of the DSA, the European Commission should consider whether the definition of online platform should be further refined to exclude those platforms which do not operate on the basis of personal data collection and monetisation, algorithmic systems, advertising, and personalisation; and whether an encyclopaedia exception should be included.

3.2.4 Beyond Article 34 & 35 DSA obligations

Focusing on the European regulatory framework on election disinformation, and the DSA in particular, most obligations placed on centralised-governed platforms under the DSA are also applicable to community-governed platforms, including Wikipedia. This is because the definition of online platforms is quite broad,⁸⁰ meaning that community-governed platforms are captured by the definition, and no distinction is made based on how moderation is undertaken.

Crucially, in relation to specific obligations under the DSA, and as mentioned above, it should be reiterated that there is no specific provision in the DSA requiring online platforms, including community-governed platforms, such as Wikipedia, to remove or prohibit election

⁷⁶ See, *Fressoz and Roire v. France*, Application no. 29183/95, 21 January 1999 (Grand Chamber), para. 54.

⁷⁷ *Wikimedia Foundation v. Secretary of State for Science, Innovation and Technology* [2025] EWHC 2086 (Admin), para. 125.

⁷⁸ See, for example, Recommendation CM/Rec(2022)11 of the Committee of Ministers to member States on principles for media and communication governance, 6 April 2022, section 4.

⁷⁹ See, for example, *Delfi AS v. Estonia*, Application no. 64569/09, 16 June 2015, para. 115.

⁸⁰ See, DSA, Article 3(1)(i).

disinformation. Notably, however, where election disinformation qualifies as illegal content under EU member state legislation, the DSA does contain provisions (e.g., Article 9), where platforms may be ordered to remove certain illegal content. While the Wikimedia Foundation has so far not reported an Article 9 order being issued against it in relation to disinformation, it should be highlighted that other VLOPs are reporting being subject to Article 9 orders under national laws applicable to disinformation.⁸¹

As detailed in the third Evaluation Report (D2.4), a very important point is that under Article 16 DSA, online platforms, including Wikipedia, have the obligation of putting in place “mechanisms in place to allow any individual or entity to notify them of the presence on their service of specific items of information that the individual or entity considers to be illegal content”.⁸² And platforms should process any notices and take their decisions in a “timely, diligent, non-arbitrary and objective manner”, depending on the type of illegal content being notified and the urgency of taking action.⁸³ Crucially, it should be noted that the Wikimedia Foundation did receive a number of Article 16 DSA notices relating to disinformation in 2025. Similarly, in January to June 2024, the Wikimedia Foundation reported that it received Article 16 DSA notice and action requests relating to “illegal content” concerning disinformation.⁸⁴ Thus, while these Article 16 DSA notices do not seem to be resulting in Wikimedia Foundation office actions to remove content, it does demonstrate that the DSA provisions highlighted in the first Mapping Report applicable to illegal content are being applied to Wikipedia in EU member states.

This raises a broader issue about the compatibility of these national laws with the right to freedom of expression under Article 10 ECHR.⁸⁵ The main point to consider here is that, because Wikipedia qualifies as an online platform under the DSA, it is subject to these obligations and the associated concerns regarding freedom of expression, whereas these issues would not apply if it did not qualify as an online platform. Thus, as mentioned above, it is recommended that the European Commission address in its review of Article 9 and Article 16 DSA that both of these provisions are being operationalised in relation to national laws on disinformation and false information. It should also be examined whether this was intended by the Commission, and whether it raises serious concerns relating to freedom of expression.

⁸¹ See those mentioned in R. O Fathaigh, D. Buijs, and J. van Hoboken, “The Regulation of Disinformation Under the Digital Services Act” (2025) 13 *Media and Communication* 1, at 4.

⁸² See, DSA, Article 16(1).

⁸³ See, DSA, Recital 52.

⁸⁴ See, Wikimedia Foundation, Transparency report - January to June 2024, EU Digital Services Act information, <https://wikimediafoundation.org/who-we-are/transparency/2024-1/eu-digital-services-act-information/>.

⁸⁵ See R. O Fathaigh, D. Buijs, and J. van Hoboken, “The Regulation of Disinformation Under the Digital Services Act” (2025) 13 *Media and Communication* 1.

3.2.5 Micro and small enterprises exception

Intermediary services are subject to a range of general rules under the DSA, including relating to liability, orders to act against illegal content, orders to provide information, designate a point of contact for certain public authorities, designate a point of contact for recipients of the service. Hosting services are subject to additional obligations, including establishing a notice and action mechanism; while online platforms are subject to even more obligations, such as establishing internal complaint-handling systems. As follows from Article 15 DSA, all intermediary services, unless they qualify as micro or small firms, are required to make publicly available annual reports on content moderation that they are engaged in, the so-called “transparency reporting”.⁸⁶ However, there are a number of exceptions for what are called micro and small enterprises.⁸⁷

In order to define micro and small enterprises, the DSA relies upon the definition of micro and small enterprises previously defined by the European Commission under a 2003 Recommendation.⁸⁸ As such, small enterprises are defined as enterprises which “employ fewer than 50 persons and whose annual turnover and/or annual balance sheet total does not exceed 10 million EUR”.⁸⁹ While a micro enterprise is defined as an enterprise which “employs fewer than 10 persons and whose annual turnover and/or annual balance sheet total does not exceed 2 million EUR”.⁹⁰ When a small or micro enterprise qualifies as an online platform, then, according to Article 19 DSA, certain provisions applicable to online platforms do not apply to them. However, if a micro and small enterprise qualifies as a VLOP, it remains under the obligations mentioned in the VLOP sections of the DSA. Further, it should be noted that an enterprise is defined as “any entity engaged in an economic activity, irrespective of its legal form”.⁹¹

It is interesting to consider how a community-governed platform would be positioned under the DSA framework if it were not designated as a VLOP, but still qualified as an online platform under the Regulation. In such a scenario, if it met the thresholds for micro or small enterprises, namely (a) employ fewer than 10 people and have annual turnover of less than 2 million EUR,

⁸⁶ See DSA, Article 15.

⁸⁷ Also see the exception of micro and small enterprises in Article 19 DSA for exclusion of these platforms for the obligations that apply to online platforms; Article 29 DSA.

⁸⁸ European Commission, Commission Recommendation concerning the definition of micro, small and medium-sized enterprises, 2003/361/EC, 6 May 2003, <https://eur-lex.europa.eu/eli/reco/2003/361/oj/eng>.

⁸⁹ European Commission, Commission Recommendation concerning the definition of micro, small and medium-sized enterprises, 2003/361/EC, 6 May 2003, Article 2.

⁹⁰ See the Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises, Article 2.

⁹¹ European Commission, Commission Recommendation concerning the definition of micro, small and medium-sized enterprises, 2003/361/EC, 6 May 2003, Article 1.

or (b) employ fewer than 50 people and have annual turnover of less than 10 million EUR, it would not be subject to the whole host of rules under the DSA which other online platforms are subject to. This shows that, without VLOP designation, the regulatory burden on a community-governed platform could be considerably lighter under the DSA. Additionally, this reflects the underlying assumption of the DSA that extensive regulatory obligations are disproportionate for small-scale actors and “disproportionate burdens” are intended to be avoided.⁹²

In this regard, this Final Report report recommends that the European Commission examine the operation of the micro and small enterprises exception under Article 19 DSA, and its application to community-governed platforms. This could potentially mean that community-governed platforms would be exempt from rules on Article 15 (transparency reporting obligations); Article 20 (internal complaint-handling system); and Article 21 (out-of-court dispute settlement). Further, it is also recommended that the Commission examines whether the micro and small enterprises should be extended to Section 5 of Chapter III of the DSA, meaning that platforms that qualify as micro and small enterprises should not be subject to VLOP obligations. Notably, and confirmed by its auditors, the Wikimedia Foundation does not qualify for the exception under Article 19 as it is a VLOP;⁹³ while around “650 people work at the Wikimedia Foundation”, the US-based non-profit organisation.⁹⁴

3.3 Wikimedia as a VLOP

A further distinction within the category of online platforms are “Very Large Online Platforms” (VLOPs).⁹⁵ These VLOPs are online platforms which have “a number of average monthly active recipients of the service in the [EU] equal to or higher than 45 million”.⁹⁶ The distinction between online platforms and VLOPs is important, since VLOP designation places certain platforms under greater regulatory scrutiny, which makes these platforms subject to the most extensive risk management responsibilities. Wikipedia, for example, is one of the 25 designated VLOPs under the DSA.⁹⁷ It is also important to note that it does not matter whether one of these intermediary services is established in the European Union or not: the rules in the DSA apply to

⁹² See for example: Recital 49 DSA and Recital 57 DSA.

⁹³ Wikimedia Foundation, “Wikipedia DSA Audit Report 2024-25 Public.pdf”, p. 119, https://foundation.wikimedia.org/wiki/File:Wikipedia_DSA_Audit_Report_2024-25_Public.pdf.

⁹⁴ Wikimedia Foundation, “7 reasons you should donate to Wikipedia”, 9 November 2025, <https://wikimediafoundation.org/news/2025/11/09/7-reasons-you-should-donate-to-wikipedia/>.

⁹⁵ See DSA, Article 33 (Very large online platforms and very large online search engines).

⁹⁶ See DSA, Article 33(1) DSA.

⁹⁷ See European Commission, “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>.

all intermediary services “located in the Union, irrespective of where the providers of those intermediary services have their place of establishment”.⁹⁸

Since VLOPs can cause “societal and economic harm”, given their reach and impact, they should assess any systemic risks stemming from their services.⁹⁹ And under Article 34 DSA, VLOPs must carry “risk assessments” to identify and assess “any systemic risks” stemming from the design or functioning of their service and systems, including algorithmic systems.¹⁰⁰ This is where disinformation becomes crucial, as one of the explicit purposes of the DSA is to address the “societal risks that the dissemination of disinformation” may generate.¹⁰¹ There is a strong argument that Wikipedia should not, in principle, be considered a VLOP, although adopting this stance would necessitate a rethink of the underlying approach to VLOP designation set out in the DSA; although the Article 91 DSA review procedure does allow for such reform.

3.3.1 Designation and active recipients

As mentioned above, VLOPs are online platforms which have “a number of average monthly active recipients of the service in the [EU] equal to or higher than 45 million”.¹⁰² This indicates that the designation is not based on how inherently risky the platforms are, but rather on the size of their user base. While platform size may influence the level of risk exposure, it is less directly determinative of other key variables in risk assessment, such as the probability of adverse consequences and their severity. In this sense, size operates primarily as a proxy for risk in the specific context of large-scale online platforms, where network effects and scale play a central role, rather than as a substantive indicator of risk in itself.¹⁰³ This contrasts with other EU digital regulations, such as for example the Terrorist Content Online Regulation (TERREG).¹⁰⁴ Here, hosting service providers that have been identified by the relevant authority as being “exposed to terrorist content” must implement additional measures to prevent “the misuse of their services for disseminating terrorist content to the public”.¹⁰⁵ Some of the measures that could be taken are similar to those listed in Article 35 of the DSA. Although the size and economic capacity of the hosting service provider, as well as the impact of its services in disseminating terrorist content (such as the number of users), should be considered when evaluating the effectiveness and proportionality of these measures, these factors do not

⁹⁸ See DSA, Article 2(1).

⁹⁹ See, DSA, Recital 79

¹⁰⁰ See, DSA, Article 34(1).

¹⁰¹ See, DSA, Recital 9.

¹⁰² See DSA, Article 33(1) DSA.

¹⁰³ A. Mantelero, ‘Fundamental Rights Impact Assessment in the DSA’, in J. van Hoboken et al. (eds), *Putting the DSA into Practice: Enforcement, Access to Justice, and Global Implications* (2024), https://intr2dok.vifa-recht.de/receive/mir_mods_00015033, p. 110.

¹⁰⁴ REGULATION (EU) 2021/784 of the European Parliament and of the Council of 29 April 2021 on addressing the dissemination of terrorist content online (TERREG), <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32021R0784>.

¹⁰⁵ Article 5 TERREG

constitute a threshold for designation.¹⁰⁶ To give another example, under the DMA, the Commission determines through a market investigation, whether a company providing a core platform service meets certain "qualitative criteria" for identification as a "gatekeeper".¹⁰⁷ To illustrate, such an undertaking must have a significant impact on the internal market, provide a core platform service¹⁰⁸ that is an important gateway for business users to reach end users, and either have an entrenched and durable position in its operations or be expected to have one in the near future.¹⁰⁹

It can be noted that the EU legislature has taken a markedly different approach to the Council of Europe, where the definition of platforms is centred on algorithmic systems and data collection, where platforms are "digital services that connect users, set the rules for their interactions and make use of algorithmic systems to collect and analyse data and personalise their services."¹¹⁰ Indeed, the European Court of Human Rights has had regard to a graduated response to regulating platforms, where different considerations should apply to those with a non-commercial purpose.¹¹¹

This raises the broader question of whether retaining a fixed threshold of 45 million users as the primary trigger for enhanced obligations is the most appropriate approach, or whether a more risk-sensitive designation model would better capture meaningful differences in platform risk profiles, particularly in cases where large reach does not necessarily correspond to high levels of systemic risk, as is arguably the case for Wikipedia. Additionally, the DSA framework raises questions regarding the conditions under which a platform may be de-designated from the VLOP category. Consideration should also be given to the development of a methodology for de-designating VLOPs.

Thus, this Final Report recommends that the European Commission consider whether the sole designation criterion for VLOP status should be "number of average monthly active recipients" should be retained, or a more sophisticated set of criteria linked in risk; or providing an exemption from reporting or auditing requirements.

¹⁰⁶ See, for example Recital 24 TERREG.

¹⁰⁷ See for example Recital 74 of the Digital Markets Act (DMA), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32022R1925&qid=1770236721406>.

¹⁰⁸ Amongst the listed 'core platform services', specifically named is an "online social networking service", defined as "a platform that enables end users to connect and communicate with each other, share content and discover other users and content across multiple devices and, in particular, via chats, posts, videos and recommendations", see: Article 2(2)(c) and Article 2(7) DMA.

¹⁰⁹ Article 3 of the Digital Markets Act (DMA).

¹¹⁰ See, for example, Recommendation CM/Rec(2022)11 of the Committee of Ministers to member States on principles for media and communication governance, 6 April 2022, section 4.

¹¹¹ See, for example, *Delfi AS v. Estonia*, Application no. 64569/09, 16 June 2015, para. 115.

3.3.2 Supervisory fee

As Wikipedia has been designated as a VLOP under the DSA, the question of regulatory costs and supervisory fees becomes particularly relevant. While the DSA does not, in principle, distinguish between for-profit and non-profit organisations in its substantive obligations, a differentiation does emerge in the structure of the supervisory fee regime. The DSA supervisory fee is an annual contribution imposed on providers of Very Large Online Platforms and Very Large Online Search Engines.¹¹² They are charged a supervisory fee for each service for which they have been designated pursuant to Article 33 DSA.¹¹³ This contribution covers the costs incurred by the European Commission in performing its supervisory tasks under the DSA.

The DSA stipulates that the total amount of the annual supervisory fee shall be determined on the basis of the estimated costs incurred by the Commission in carrying out its supervisory tasks.¹¹⁴ It also states that the amount of the annual contribution must be proportionate to the size of the service concerned, measured by the number of active recipients in the Union. At the same time, the individual contribution per provider may not exceed a maximum amount, taking into account the economic capacity of the provider. The supervisory fee has a limit of 0.05 percent of the global annual net income in the previous financial year. In addition to the provisions in the DSA, this mechanism is further detailed in Delegated Regulation 2023/1127.¹¹⁵

In practice, this results in commercial platforms being required to pay an annual supervisory fee, whereas non-profit platforms such as Wikimedia are not subject to this contribution.¹¹⁶ Despite this, they do still have to cover the costs associated with other compliance requirements, such as for example complying with risk assessment and mitigation provisions and paying for mandatory audits.

Notably, instead of framing this differentiation in terms of an explicit 'non-profit exception', the DSA does not rely on categorical exemptions based on organisational form. Instead, under the supervisory fee regime, regulatory costs appear to be being allocated, without the scope or character of the platforms concerned being defined. This is of interest in the context of the broader discussion regarding platform classification under the DSA. As such, this Final Report recommends that the European Commission continues applying the principle that "the ability to pay [the supervisory fee] of the provider is taken into account, including in case of loss-making

¹¹² Several large platforms have challenged the supervisory fee through legal action. For example, see: <https://www.reuters.com/business/meta-tiktok-challenge-tech-fees-second-highest-eu-court-2025-06-11>.

¹¹³ Article 43 DSA

¹¹⁴ Recital 101 DSA

¹¹⁵ See Recital 7 and Article 5 of the Delegated Regulation 2023/1127 with the detailed methodologies and procedures regarding the supervisory fees charged by the Commission on providers of very large online platforms and very large online search engines, see: https://eur-lex.europa.eu/eli/req_del/2023/1127/oj.

¹¹⁶ See, VLOPs such as Meta and TikTok challenging these fees: Foo Yun Chee, Reuters, 10 september 2025, <https://www.reuters.com/sustainability/boards-policy-regulation/meta-tiktok-win-challenge-against-eu-tech-fees-forcing-regulators-recalculate-2025-09-10/>.

providers” and non-profit organisations.¹¹⁷ It is recommended that the Commission explicitly recognise non-profit and non-governmental organisations in how it approaches the DSA’s supervisory fee.

3.3.3 Does the DSA apply well to community governed platforms?

Applying the DSA to community-governed platforms raises specific questions about how responsibility is allocated between service providers and decentralised user communities. In the case of Wikipedia, the Wikimedia Foundation’s DSA risk assessment,¹¹⁸ the independent audit reports,¹¹⁹ including the most recent 2025 audit report¹²⁰ and audit implementation reports,¹²¹ all proceed on the basis that a “clear distinction” needs to be drawn between the Wikimedia Foundation as an “independent organisation,” and the “volunteer editor community of Wikipedia, which operates in a decentralised manner” separate from the Wikimedia Foundation.¹²² While the Foundation facilitates the establishment of governance mechanisms through which the community operates, such as the Universal Code of Conduct and the UCoC Enforcement Guidelines, which outline a standard of behaviour for collaboration on Wikimedia projects worldwide, each community can develop additional policies that consider local and cultural contexts.¹²³ Crucially, the auditors note that the only actions within the scope of the audit “are those conducted directly” by the Wikimedia Foundation, and “not the actions of the volunteer community.”¹²⁴ This allocation of responsibility is further reinforced in the Foundation’s Terms of Use and governance framework, where it is stated: “The Foundation does not hold editorial or supervisory control over content and conduct in the Wikimedia projects; this work is done by a largely autonomous community of volunteers who, in accordance with our Terms of Use, create their own policies meant to uphold the educational goals of our movement.”¹²⁵ While generally attempting to avoid interference, they nevertheless have powers

¹¹⁷ Delegated Regulation 2023/1127 with the detailed methodologies and procedures regarding the supervisory fees charged by the Commission on providers of very large online platforms and very large online search engines, see: https://eur-lex.europa.eu/eli/reg_del/2023/1127/oj.

¹¹⁸ Wikimedia Foundation, “WMF 23-24 approved DSA SRAM (Risk Register)”, [https://foundation.wikimedia.org/wiki/File:WMF_23-24_approved_DSA_SRAM_\(Risk_Register\).zip](https://foundation.wikimedia.org/wiki/File:WMF_23-24_approved_DSA_SRAM_(Risk_Register).zip).

¹¹⁹ Wikimedia Foundation, “Wikipedia DSA Audit Report 2023-24 Public.pdf”, https://foundation.wikimedia.org/wiki/File:Wikipedia_DSA_Audit_Report_2023-24_Public.pdf.

¹²⁰ Wikimedia Foundation, “Wikipedia DSA Audit Report 2024-25 Public.pdf”, https://foundation.wikimedia.org/wiki/File:Wikipedia_DSA_Audit_Report_2024-25_Public.pdf.

¹²¹ Wikimedia Foundation, “Wikipedia DSA Audit Implementation Report 2023-24 Public.pdf”, https://foundation.wikimedia.org/wiki/File:Wikipedia_DSA_Audit_Implementation_Report_2023-24_Public.pdf and Wikimedia Foundation, “Wikipedia DSA Audit Implementation Report 2024-25 Public.pdf”, https://foundation.wikimedia.org/wiki/File:Wikipedia_2024-25_DSA_Audit_Implementation_Report_-_Public.pdf.

¹²² Wikimedia Foundation, “Wikipedia DSA Audit Report 2023-24 Public.pdf”, p. 9.

¹²³ Wikimedia Foundation, “Wikipedia DSA Audit Report 2023-24 Public.pdf”, p. 9; citing Wikimedia Foundation, Wikimedia Foundation Universal Code of Conduct, Section 1, https://foundation.wikimedia.org/wiki/Policy:Universal_Code_of_Conduct.

¹²⁴ Wikimedia Foundation, “Wikipedia DSA Audit Report 2023-24 Public.pdf”, p. 9.

¹²⁵ Wikimedia Foundation, ‘Office Actions Policy’ https://foundation.wikimedia.org/wiki/Policy:Wikimedia_Foundation_Office_Actions_Policy.

to intervene in specific limited cases and such interventions are generally known as “office actions”.¹²⁶

Taken together, these findings suggest that the current application of the DSA to Wikipedia is grounded in a distinction between the service provider and the community of volunteer editors. However, the previous discussion of this approach already points to areas of overlap and possible areas of ambiguity, raising the question of how well suited the DSA is to community-governed platforms, in particular with regard to the distinction between community and service provider moderation. It is therefore recommended that there should be clearer clarification of this distinction through future legislation or guidance from the Commission.

Additionally, as seen from the risk assessments carried out by the Wikimedia Foundation, along with the independent audit reports, they are necessarily framed around the Wikimedia Foundation's actions and responsibilities, also due to the Foundation being the designated VLOP. However, at the same time, the audit report does acknowledge Wikipedia's layered and semi-decentralised governance structure and notes that “given Wikipedia's layered and semi-decentralised structure, the relationships between stakeholders at the same level (e.g., community editor to community editor) and between different levels (e.g., WMF staff to community editor) must be examined. For Wikipedia specifically, the relationship between ‘read-only’ users, the community, and WMF must be analysed for systemic risks. These operational risks can be connected to systemic risks referred to under Article 34 paragraphs (1(b–d)).”¹²⁷ Nevertheless, the analysis of systemic risks remains primarily centred on the role and responsibilities of the Wikimedia Foundation, meaning that the DSA's risk-based framework, as currently applied, provides only a limited account of how the platform operates in practice.

Notably, in November 2025, the Wikimedia Foundation published the second independent audit report for the period 2024-2025.¹²⁸ In considerable contrast to the first audit report, the second audit report stated that the overall audit opinion for compliance with the audited obligations under the DSA was “Negative”.¹²⁹ The auditors could attest that the Foundation satisfactorily met “most of its obligations” under the DSA and had “provided recommendations where WMF's processes, reporting, or operations can be improved,” but “WMF lacks several key pieces of documentation that are required for it to demonstrate full compliance with its obligations under the DSA, some of which were highlighted and had recommendations issued for in the previous audit report.”¹³⁰ And of the 19 provisions audited, eight were positive, seven were “positive with

¹²⁶ Wikimedia Foundation, ‘Office Actions Policy’.

¹²⁷ Wikimedia Foundation, “Wikipedia DSA Audit Report 2024-25 Public.pdf”, https://upload.wikimedia.org/wikipedia/foundation/4/48/Wikipedia_DSA_Audit_Report_2024-25_Public.pdf, p. 77.

¹²⁸ Wikimedia Foundation, “Wikipedia DSA Audit Report 2024-25 Public.pdf”, https://foundation.wikimedia.org/wiki/File:Wikipedia_DSA_Audit_Report_2024-25_Public.pdf.

¹²⁹ Wikimedia Foundation, “Wikipedia DSA Audit Report 2024-25 Public.pdf,” p. 9.

¹³⁰ Wikimedia Foundation, “Wikipedia DSA Audit Report 2024-25 Public.pdf,” p. 9.

comments,” and four were “negative.”¹³¹ Notably, concerning Articles 34 and 35 DSA, the audit was not negative for both of these pivotal articles of the DSA.

First, on Article 34, the audit concluded that while the Wikimedia Foundation had “partially complied” with its obligations Article 34, and identified the systemic risks “appropriately in certain respects,” this did not outweigh a number of issues, including (i) “lack of detailed notations and metrics” in the DSA Risk Register; (ii) its “over-dependence” on a non-EU- or DSA-specific “external documents that may be considered relatively outdated and focuses not on all systemic risk elements but on their human rights impacts,” and (iii) continued use of an “inadequate format of the DSA Risk Register” which, “despite recommendations made in the previous audit report,” still “does not demonstrate” whether and how factors listed under Article 34 “influence the types of systemic risk.” As such, the auditor attested that the Wikimedia Foundation had “not, overall, satisfactorily complied with its obligations under Article 34.”¹³² And it recommended that the Foundation conduct a “separate risk analysis” for the purposes of Article 34 DSA for the next audit term that is “DSA-specific, up-to-date, and not predominantly based on existing assessments based on more specific subject matter,” and implements a more “structured and comprehensive assessment approach,” taking the “technical and scientific insights into account while conducting a systemic risk assessment.”¹³³

Notably, the Wikimedia Foundation stated in its audit implementation report that it “disagree[d]” that it was “necessary, proportionate, or viable” to conduct a “wholly separate risk assessment for the next audit term that is specific to the DSA,” and “[s]uch an exercise would disregard the “crucial interconnection between the DSA SRA” and the “growing body of risk-focused work and human rights due diligence that is global in nature and lies outside of the DSA-prescribed cycle and scope.”¹³⁴ This was a particularly contrasting view held by the Wikimedia Foundation to the auditors, and quite different in terms of the approach to risk assessment.

Coupled with its audit of Article 34, on Article 35, the audit report noted that “at the time of writing this report (August 2025),” the Wikimedia Foundation had “not yet submitted an updated risk mitigation assessment for the 2024 - 2025 audit, unlike last year.” The auditors then based their review on the previous year’s mitigation measures, and stated that there are “various highly fragmented steps and actions” that “could be classified as mitigation measures” and

¹³¹ Wikimedia Foundation, “Wikipedia DSA Audit Report 2024-25 Public.pdf,” pp. 5-6.

¹³² Wikimedia Foundation, “Wikipedia DSA Audit Report 2024-25 Public.pdf,” p. 84.

¹³³ Wikimedia Foundation, “Wikipedia DSA Audit Report 2024-25 Public.pdf,” p. 85.

¹³⁴ Wikimedia Foundation, “Audit Implementation Report of the Wikimedia Foundation, Inc. in respect of Wikipedia, for the period 2024-2025,” p. 21,

https://upload.wikimedia.org/wikipedia/foundation/7/78/Wikipedia_2024-25_DSA_Audit_Implementation_Report_-_Public.pdf.

“most” of the measures identified and considered appropriate in the previous audit term “may, in principle, be considered as such in the current audit term as well.”¹³⁵ However, because of the “lack of information,” “documentation,” and “evidence” regarding “whether and how these measures are currently in place and how they could contribute” to the mitigation of the risks identified, the auditor was “unable to, with a sufficient level of assurance, confirm that WMF satisfactorily complied with its obligations under Article 35.”¹³⁶

In terms of recommendations, the auditors recommended that to “enable the future auditability of the mitigation measures,” as well as their “appropriateness to the systemic risks identified” the Wikimedia Foundation should implement having a “non-fragmented” and “specific tracking system for mitigation measures.”¹³⁷ In this regard, the Wikimedia Foundation in its audit implementation report stated that it would publish the 2024 - 2025 mitigation plan by November 2025, and “additional information would be added to improve auditability of these measures,”¹³⁸ including the mapping of each mitigation measure to the measures referenced in Article 35 DSA. Finally, the Foundation would explore ways to enhance its documentation and explanation of the mitigation measures.¹³⁹

Thus, Wikipedia went from the only VLOP that was “fully compliant” under an auditing process in 2024,¹⁴⁰ to receiving an “overall audit opinion for compliance” that was “Negative” in 2025.¹⁴¹ This raises a more general question of whether Wikipedia is currently capable of managing the auditing process adequately, given its non-profit status and organisational capacity. Indeed, in its audit implementation report, the Wikimedia Foundation did mention its limited resources, for example, noting it was a “non-profit with limited resources” and a “global mission.”¹⁴² Indeed, in its accompanying documentation with its risk assessment, the Wikimedia Foundation also emphasised that it “operates as a non-profit organization,” and has “fewer financial and

¹³⁵ Wikimedia Foundation, “Audit Implementation Report of the Wikimedia Foundation, Inc. in respect of Wikipedia, for the period 2024-2025,” p. 21.

¹³⁶ Wikimedia Foundation, “Audit Implementation Report of the Wikimedia Foundation, Inc. in respect of Wikipedia, for the period 2024-2025,” p. 21, p. 99.

¹³⁷ Wikimedia Foundation, “Audit Implementation Report of the Wikimedia Foundation, Inc. in respect of Wikipedia, for the period 2024-2025,” p. 21, p. 100.

¹³⁸ Wikimedia Foundation, “Audit Implementation Report of the Wikimedia Foundation, Inc. in respect of Wikipedia, for the period 2024-2025,” p. 21, https://upload.wikimedia.org/wikipedia/foundation/7/78/Wikipedia_2024-25_DSA_Audit_Implementation_Report_-_Public.pdf.

¹³⁹ Wikimedia Foundation, “Audit Implementation Report of the Wikimedia Foundation, Inc. in respect of Wikipedia, for the period 2024-2025,” p. 21, p. 23.

¹⁴⁰ Peter Chapman, “Advancing Platform Accountability: The Promise and Perils of DSA Risk Assessments,” Tech Policy Press, 9 January 2025, <https://www.techpolicy.press/advancing-platform-accountability-the-promise-and-perils-of-dsa-risk-assessments/>.

¹⁴¹ Wikimedia Foundation, “Wikipedia DSA Audit Report 2024-25 Public.pdf,” p. 4.

¹⁴² Wikimedia Foundation, “Audit Implementation Report of the Wikimedia Foundation, Inc. in respect of Wikipedia, for the period 2024-2025,” p. 27.

human resources” available to tackle “significant technical changes or upgrades than do other VLOPs.”¹⁴³ Thus, any “reallocation of resources” to make “significant changes to Wikipedia for risk mitigation” requires “pulling resources from other priority areas, such as requested feature development, fixing bugs or broken tools, enhancing the overall stability and reliability of the websites we host,” and continuing to create an “environment in which volunteers want to engage and improve the projects.”¹⁴⁴

In a similar vein, the Wikimedia Foundation was of the view that the DSA systemic risk provisions presented a “challenge,” as the DSA “expects greater intervention” from platform providers. However, for Wikipedia, regulatory obligations “should not be interpreted in a way that reduces the Wikimedia communities’ autonomy, enthusiasm, and control,” and as mentioned above, Wikimedia “intends to generally refrain from dictating changes to content policy, or displacing effective community mechanisms (e.g. for complaint handling, or efforts to tackle certain categories of problematic content).”¹⁴⁵ Thus, a major question about Wikipedia under the DSA is how the auditing process will develop, and ensure that the VLOP risk assessment and auditing process, do not become overburdening in terms of Wikipedia’s operation of its community-based platform. As such, it is recommended that in its assessment of the DSA’s operation to Wikipedia, the Commission examines whether the yearly risk assessment and auditing, and audit implementation mechanism may interfere in a disproportionate manner in relation to Wikipedia’s arguably low-risk community-governed platform model.

3.3.4 Very Large Online Platforms and disinformation: Does risk-based approach to whole EU sufficient protect MS elections from disinformation

VLOPs must comply with stricter due diligence provisions than the other types of online platforms (or even services). Within this section, relevant articles will be laid out regarding the context of disinformation reiterating from our previous reports.

Since VLOPs can cause “societal and economic harm”, given their reach and impact, they should assess any systemic risks stemming from their services.¹⁴⁶ And under Article 34 DSA, VLOPs must carry “risk assessments” to identify and assess “any systemic risks” stemming from the design or functioning of their service and systems, including algorithmic systems.”¹⁴⁷ This is

¹⁴³ Wikimedia Foundation, “2025 EU Systemic Risk Assessment - Cover note, 9 September 2025, https://upload.wikimedia.org/wikipedia/foundation/a/a6/Wikipedia_DSA_SRAM_submission_cover_note_09Sept2025.pdf.

¹⁴⁴ Wikimedia Foundation, “2025 EU Systemic Risk Assessment - Cover note, 9 September 2025.

¹⁴⁵ Wikimedia Foundation, “2025 EU Systemic Risk Assessment - Cover note, 9 September 2025.

¹⁴⁶ See, DSA, Recital 79

¹⁴⁷ See, DSA, Article 34(1).

where disinformation becomes crucial, as one of the explicit purposes of the DSA is to address the “societal risks that the dissemination of disinformation” may generate.¹⁴⁸

Article 34 lists a number of systemic risks that must be included in the risk assessment by VLOPs: (a) dissemination of illegal content through their services; (b) any actual or foreseeable negative effects for the “exercise of fundamental rights” enshrined in the EU Charter, including freedom of expression; (c) any actual or foreseeable negative effects on “civic discourse and electoral processes”, and “public security”; and (d) any actual or foreseeable negative effects in relation to “gender-based violence”, the protection of public health and minors and “serious negative consequences to the person’s physical and mental well-being”.

Crucially, disinformation is not explicitly mentioned as one of the four potential systemic risks. And the question is how does disinformation fit within this provision. In this regard, it is important to look to the recitals of the DSA concerning systematic risks. Notably, Recital 83 states that risks of actual or foreseeable negative effect on the protection of “public health” can stem from “coordinated disinformation campaigns related to public health”. Thus, it seems disinformation is most readily identified with risk (d) under Article 34, namely negative effects on the protection of “public health”. Further, Recital 84 states that when assessing the systemic risks, VLOPs should focus on information “which is not illegal”, and pay “particular attention” on how their services are used to disseminate or amplify “misleading or deceptive content”, including “disinformation”, and how amplification of such information “contributes” to the systemic risks. As such, from Recital 84, it seems that disinformation can contribute to all the systemic risks. Notably, the recitals concerning Article 34 and Article 35 do not state that disinformation, in and of itself, is a systemic risk; only that disinformation can contribute to systemic risks, or that systemic risks can stem from disinformation. Thus, on a strict reading of Article 34, the dissemination of disinformation is not a systemic risk, in and of itself. However, the systemic risk most associated with disinformation is risk (c) concerning negative effects on “civic discourse and electoral processes”, and this is where most regulatory action is currently occurring.

Once VLOPs have conducted their risk assessments and identified the risks, the next step is mitigating these risks. Crucially, if VLOPs identify these risks, under Article 35 DSA, VLOPs must put in place reasonable, proportionate and effective “mitigation measures”, tailored to the specific systemic risks identified pursuant to Article 34”. Article 35 sets out over 11 measures which platforms can take. These are (a) adapting the design, features or functioning of their services, including their online interfaces; (b) adapting their terms and conditions and their enforcement; and (c) adapting content moderation processes, as well as adapting any relevant

¹⁴⁸ See, DSA, Recital 9.

decision-making processes and dedicated resources for content moderation; (d) adapting algorithmic systems, including recommender system; (e) adapting advertising systems; (f) reinforcing internal processes, resources, testing, documentation, or supervision of any of their activities in particular as regards detection of systemic risk; (g) initiating or adjusting cooperation with trusted flaggers; (h) initiating or adjusting cooperation with other providers of online platforms through the codes of conduct and crisis protocols; (i) taking awareness-raising measures in order to give users more information; (j) taking targeted measures to protect the rights of the child, and (k) ensuring that items of information that appreciably resembles existing persons, objects, places or other entities or events and falsely appears to a person to be authentic or truthful is distinguishable through prominent markings when presented on their online interfaces.

The Commission may take steps related to enforcement of these obligations for VLOPs, and impose a penalty of up to 6% of their annual worldwide turnover against a VLOP that failed to comply with the DSA.¹⁴⁹ These consequences of non-compliance with the above are therefore important to take into account for community-governed platforms designated as VLOPs.

Here, the broader question can be raised as to whether the DSA's risk-based approach is sufficient to protect elections across the entire EU from disinformation. Although election-related disinformation also comes under the DSA's general framework for illegal content, the main regulatory response depends on VLOPs identifying and mitigating systemic risks under Articles 34 and 35. Recent elections following regulatory action in for example Romania and Germany raise questions about whether such an approach is fitting in the context of election disinformation.¹⁵⁰ Additionally, when risk assessment reports are made, there should be consideration of Member State dimensions. Specifically in the context of elections, this should be included in risk assessments at Member State level. Risk assessment reports should also consider elections that will take place in the next assessment cycle and detail how preparations relating to these elections are being made. Notably, the latest audit report also recognised this issue for Wikipedia, noting that, while references to regional and linguistic aspects had improved since the previous audit, a more structured and comprehensive framework for incorporating such aspects into systemic risk assessments would be desirable.¹⁵¹

In this regard, it is important to note that Article 34 does explicitly mention consideration of Member States and linguistic aspects, stating that "the assessment shall take into account specific regional or linguistic aspects, including when specific to a Member State".¹⁵² However,

¹⁴⁹ DSA, Article 73 and 74.

¹⁵⁰ <https://dsa-observatory.eu/2026/03/04/how-has-the-dsa-performed-in-protecting-election-integrity/>.

¹⁵¹ Wikimedia Foundation, "Wikipedia DSA Audit Report 2024-25 Public.pdf", https://foundation.wikimedia.org/wiki/File:Wikipedia_DSA_Audit_Report_2024-25_Public.pdf, p. 82.

¹⁵² Article 34(2) DSA

the question still remains as to whether this is sufficient. Therefore, this Final Report's recommendation is that this requirement should be strengthened, with a clearer connection established between electoral processes, Member States and disinformation in systemic risk assessments.

3.4 European Commission as legislator and enforcer

Another concern is whether the European Commission, acting as the central regulator of VLOPs under the DSA, is able to avoid political pressure in sensitive areas such as disinformation and elections. Previous reports have shown that US authorities directly targeted Wikipedia and the Wikimedia Foundation in 2025 over alleged 'propaganda' and 'disinformation', requesting information on editors, content moderation practices and internal safeguards. These events demonstrate how state actors can instrumentalise and politicise issues related to disinformation. Although the objective of the DSA is to centralise supervision at the EU level to avoid fragmented national interference,¹⁵³ the current situation raises questions about whether the Commission's institutional position and level of responsibility provide adequate guarantees of an independent stance, particularly when it comes to regulating politically contentious issues such as election-related disinformation.¹⁵⁴ Furthermore, considering that the Commission simultaneously fulfils the roles of co-legislator and DSA enforcer, operating at the intersection of competing policy objectives, the possibility cannot be excluded that its enforcement practice may also be shaped by broader internal policy agendas in addition to existing political pressures.¹⁵⁵ An important additional point to note here is that, as of October 2025, Wikipedia is the only VLOP out of a total of 25 that has not been subject to any regulatory activity by the European Commission under the DSA.¹⁵⁶

Past regulatory activity undertaken by the Commission has received scrutiny and criticism from civil society organisations, invoking principles of freedom of expression, as well as being

¹⁵³ Buri and Hoboken, 'The DSA Supervision and Enforcement Architecture - DSA Observatory', <https://dsa-observatory.eu/2022/06/24/the-dsa-supervision-and-enforcement-architecture/>.

¹⁵⁴ See for example: 'Enforcement of EU's Tech Laws Should Not Be Traded Away', Svea Windwehr, Tech Policy Press, 22 July 2025, <https://www.techpolicy.press/enforcement-of-eus-tech-laws-should-not-be-traded-away/>; 'EU Push to Protect Digital Rules Holds up Trade Statement with US, FT Reports', *Reuters* (17 August 2025) <https://www.reuters.com/business/eu-push-protect-digital-rules-holds-up-trade-statement-with-us-ft-reports-2025-08-17/>; 'Questions and Answers on the EU -US Joint Statement on Transatlantic Trade and Investment **' (*European Commission - European Commission*), 21 August 2025 and see for more context: Józwiak M, 'Waiting for the DSA's Big Enforcement Moment' (*DSA Observatory*), 26 November 2025), <https://dsa-observatory.eu/2025/11/26/waiting-for-the-dsas-big-enforcement-moment/>, https://ec.europa.eu/commission/presscorner/detail/en/qanda_25_1974.

¹⁵⁵ I. Buri, 'Regulator Caught Between Conflicting Policy Objectives: Reflections on the European Commission's Role as DSA Enforcer', in J. van Hoboken et al. (eds), *Putting the DSA into Practice: Enforcement, Access to Justice, and Global Implications* (2024), https://intr2dok.vifa-recht.de/receive/mir_mods_00015033, p. 80.

¹⁵⁶ See, European Commission, "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>.

described as controversial in academic literature.¹⁵⁷ Particular regard has been given to the conduct of then-European Commissioner Thierry Breton in this context. For example, Breton received criticism from European NGOs for issuing a “regulatory warning letter” relating to a proposed live-streamed interview with a US presidential elections candidate, which raised “concerns about politicising the enforcement of the DSA and using it as a pressure tool against online platforms during politically sensitive times and periods of high media attention”.¹⁵⁸ Another example of this is the open letter sent by over 30 leading academics to US Representative Jim Jordan on 3 September 2025, in which, among other topics, they condemned the actions of the former European Commissioner.¹⁵⁹

This Final Report’s recommendation would be for the enforcement function under the DSA to be well-insulated from political pressure. This can be achieved internally by either further strengthening institutional safeguards within the European Commission, which could involve designating a new body, or it could instead be returned to the Member State level, as also similarly argued in other work.¹⁶⁰ This Final Report would also recommend structures be put in place to avoid the DSA risk-based approach being used for content-based regulation, which seems to happen in the Breton example; and to ensure ECHR principles on regulatory activity are abided by.

3.4.1 Transparency of Commission regulatory activity

The European Commission plays a central role in supervising and enforcing the DSA, particularly with regard to elections and disinformation. However, at the same time its regulatory activity is characterised by opacity. As documented in our previous reports, requests for information (RFIs) often form the initial formal step in the Commission’s enforcement workflow under the DSA.¹⁶¹ The requests are used to collect evidence on systemic risks, content moderation practices, advertising transparency and data access before deciding whether to

¹⁵⁷ R. O Fathaigh, D. Buijs, and J. van Hoboken, “The Regulation of Disinformation Under the Digital Services Act” (2025) 13 Media and Communication, <https://www.cogitatiopress.com/mediaandcommunication/article/view/9615>.

¹⁵⁸ See, AccessNow et al., “Civil society statement: Commissioner Breton needs to stop politicising the Digital Services Act”, 19 August 2024, <https://www.accessnow.org/press-release/commissioner-breton-stop-politicising-digital-services-act/> and R. O Fathaigh, D. Buijs, and J. van Hoboken, “The Regulation of Disinformation Under the Digital Services Act” (2025) 13 Media and Communication, <https://www.cogitatiopress.com/mediaandcommunication/article/view/9615>.

¹⁵⁹ US Academic Letter DSA Censorship, US Academic Letter DSA Censorship, <https://www.scribd.com/document/951394338/US-Academic-Letter-DSA-Censorship>, p. 9.

¹⁶⁰ See, here: Harfst, Jan-Ole, Mast, Tobias; Schulz, Wolfgang: Independence as a Desideratum: DSA Enforcement by the EU Commission, VerfBlog, 2025/7/16, <https://verfassungsblog.de/dsa-enforcement-commission/>. See also in this context, Provision 64 of the Recommendation of the Committee of Ministers to member States on online safety and empowerment of users and content creators (Adopted by the Committee of Ministers on 8 April 2026 at the 1556th meeting of the Ministers’ Deputies) 2026, CM/Rec(2026)4: <https://search.coe.int/cm?i=09125948802b41e8>.

¹⁶¹ Article 67 DSA.

issue retention orders, conduct investigation or open formal proceedings.¹⁶² Information obtained through RFIs has already led to several formal proceedings against VLOPs, including X, TikTok, AliExpress, Facebook, Instagram and Temu between December 2023 and December 2024.¹⁶³

In addition to more formal enforcement mechanisms, roundtable discussions on elections are organised to ensure implementation readiness in the context of the DSA ahead of EU elections. For example, in the run-up to the 2025 German elections, the European Commission and Germany's Digital Services Coordinator organised a roundtable with VLOPs in January 2025 to "highlight" the responsibilities of VLOPs under the DSA with regard to systemic risks and elections.¹⁶⁴ The European Commission also conducted a "stress test" with VLOPs to "test to see whether they are doing enough to counter disinformation in the run-up" to the German elections.¹⁶⁵ Similar roundtable discussions were held in November 2024 in the run-up to national elections, where the Romanian Data Protection Authority, the Commission, some online platforms, and relevant state authorities and civil society organisations discussed and shared information regarding the Romanian presidential and parliamentary elections.¹⁶⁶ Likewise, similar exchanges took place in the context of the European elections in June 2024.¹⁶⁷

Despite this extensive regulatory activity, the Commission publishes very little of the legal and evidentiary material underpinning these steps, relying on a "general presumption of confidentiality".¹⁶⁸ This practice has been criticised in academic literature as well as by the European Ombudsman, who in a letter of 14 November 2024 challenged the Commission's

¹⁶² Matteo Fabbri, 'The Role of Requests for Information in Governing Digital Platforms Under the Digital Services Act: The Case of X' (2025) 6 Journalism and Media 41, pp. 1–2.

¹⁶³ Matteo Fabbri, 'The Role of Requests for Information in Governing Digital Platforms Under the Digital Services Act: The Case of X' (2025) 6 Journalism and Media 41, p. 3.

¹⁶⁴ European Commission, "Digital Services Coordinator for Germany hosts roundtable with online platforms", 24 January 2025, <https://digital-strategy.ec.europa.eu/en/news/digital-services-coordinator-germany-hosts-roundtable-online-platforms>.

¹⁶⁵ See, "EU to test Facebook, X and others on disinformation ahead of German election", Reuters, 24 January 2025, <https://www.reuters.com/technology/meta-tiktok-x-join-eu-stress-test-german-election-2025-01-24/>.

¹⁶⁶ See: European Commission, "Commission convenes very large online platforms and search engines to monitor election readiness for the Romanian Presidential and Parliamentary elections", 30 November 2024, <https://digital-strategy.ec.europa.eu/en/news/commission-convenes-very-large-online-platforms-and-search-engines-monitor-election-readiness>.

¹⁶⁷ See: European Commission, "DSA Election Readiness - Roundtable with Platforms, Search Engines, and Digital Service Coordinators", 5 June 2024, <https://digital-strategy.ec.europa.eu/en/news/dsa-election-readiness-roundtable-platforms-search-engines-and-digital-service-coordinators>.

¹⁶⁸ Matteo Fabbri, 'The Role of Requests for Information in Governing Digital Platforms Under the Digital Services Act: The Case of X' (2025) 6 Journalism and Media 41, p. 3.

refusal to disclose X's systemic risk assessment report and argued that the presumption of confidentiality constituted maladministration.¹⁶⁹

In light of the following, the question arises as to whether the current level of transparency surrounding the Commission's DSA enforcement is sufficient, given that it is often unclear how decisions are made in practice. This lack of transparency can undermine certainty for other VLOPs, including community-governed platforms such as Wikipedia, for which it is important to have a clear understanding of the basis on which the Commission conducts its investigations, so that they can ensure their own conduct is consistent with the DSA. This is particularly important given that the DSA is a relatively new piece of legislation with little guidance on key provisions.

This concern becomes more pressing in light of the first major enforcement decisions on systemic risks and disinformation, such as the proceedings against X. Notably, the United States House Judiciary Committee recently published the full decision on which the European Commission's €120 million fine of X was based, without prior agreement from the Commission, who had not made the document public.¹⁷⁰ Moreover, with the DSA no longer newly implemented, it is less plausible to justify limited disclosure on the basis that it is a 'new' regulatory framework. It would therefore be reasonable to expect the Commission to be more transparent as to how it makes decisions, so that other VLOPs can assess what constitutes an inadequate risk assessment or insufficient mitigation under Articles 34 and 35 of the DSA.

Also, despite its central role, the Commission publishes very little of the legal and evidentiary material underpinning these steps, applying a "general presumption of confidentiality."¹⁷¹ This practice has been criticised in academic literature as well as by the European Ombudsman, who in a letter of 14 November 2024 challenged the Commission's refusal to disclose X's systemic risk assessment report and argued that the presumption of confidentiality constituted maladministration.¹⁷²

¹⁶⁹ Matteo Fabbri, 'The Role of Requests for Information in Governing Digital Platforms Under the Digital Services Act: The Case of X' (2025) 6 *Journalism and Media* 41; European Ombudsman, 'The European Ombudsman's Preliminary Views on the European Commission's Refusal to Give Public Access to the Risk Assessment Report of a Large Social Media Company on Its Compliance with the Provisions of the Digital Services Act' (*European Ombudsman*, 18 February 2025) <<https://www.ombudsman.europa.eu/en/doc/correspondence/en/199731>> accessed 8 October 2025.

¹⁷⁰ Hendrix J and Jahangir R, 'EU Decision Behind €120m Fine on Musk's X Released by US Lawmakers' (*Tech Policy Press*, 30 January 2026), <https://techpolicy.press/eu-decision-behind-120m-fine-on-musks-x-released-by-us-lawmakers>.

¹⁷¹ M. Fabbri, 'The Role of Requests for Information in Governing Digital Platforms Under the Digital Services Act: The Case of X' (2025) 6 *Journalism and Media* 41, p. 3.

¹⁷² European Ombudsman, 'The European Ombudsman's Preliminary Views on the European Commission's Refusal to Give Public Access to the Risk Assessment Report of a Large Social Media Company on Its Compliance with the Provisions of the Digital Services Act' (*European Ombudsman*, 18 February 2025).

This does raise questions for community-governed platforms, and Wikipedia in particular, as Article 34 and 35 have been criticised for vagueness, with scholarship noting that the “breadth and vagueness of Articles 34–35 gives the Commission significant discretion over their interpretation and enforcement.”¹⁷³ Thus, when the Commission is issuing far-reaching orders, and interpreting Article 34 and 35, it is important for Wikipedia that it can ensure its processes are consistent with the Commission’s interpretation of Article 34 and 35. Notably, this does raise a fundamental issue under the right to freedom of expression for platforms generally, as the European Court of Human Rights has found difficulties with public authorities, such as regulators and courts, issuing regulatory measures that have “not [been] substantiated by any concrete reasons or evidence.”¹⁷⁴ Thus, this Final Report recommends that the European Commission, also in line with Article 15 of the Treaty on the Functioning of the European Union (TFEU), applies a presumption in favour of disclosure in its regulatory activity under the DSA, and in the regulation of election disinformation in particular.¹⁷⁵ This would operate at a number of levels, including that preliminary proceedings documents would be published, in addition to decisions.

3.5 Co-regulatory measures and guidance

In addition to the DSA itself, there are important co-regulatory measures that are applicable to election disinformation that are relevant for the application of Article 34 and 35 of the DSA to community-governed platforms, namely the European Commission’s Guidelines for providers of VLOPs on the mitigation of systemic risks for electoral processes,¹⁷⁶ and the Code of Conduct on Disinformation. Both regulatory instruments are intimately related to the DSA, and are discussed next.

3.5.1 Code of Conduct on Disinformation 2025

The Strengthened Code of Practice on Disinformation, which is now formally recognised as a Code of Conduct under Article 45 of the Digital Services Act (DSA), is closely linked to the DSA’s risk mitigation framework.¹⁷⁷ Recital 104 and Article 35(1)(h) of the DSA explicitly position

¹⁷³ R. Griffin, “Codes of Conduct in the Digital Services Act,” (2024) *Technology and Regulation* 167, p. 176.

¹⁷⁴ *Google LLC and Others v. Russia*, Application no. 37027/22, 8 July 2025, para. 106.

¹⁷⁵ See: Article 15 of the Consolidated version of the Treaty on the Functioning of the European Union 2012 (OJ C), <http://data.europa.eu/eli/treaty/tfeu/2012/oj/>.

¹⁷⁶ 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, 26 April 2024, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52024XC03014&qid=1714466886277>.

¹⁷⁷ European Commission, “Commission endorses the integration of the voluntary Code of Practice on Disinformation into the Digital Services Act”, 13 February 2025, <https://digital-strategy.ec.europa.eu/en/news/commission-endorses-integration-voluntary-code-practice-disinformati-on-digital-services-act>.

participation in codes of conduct as a potential "appropriate risk-mitigating measure".¹⁷⁸ At the same time, both the origins of the Code and its substantive structure reflect its development in relation to large, centralised commercial platforms. The Code was initially drawn up by the European Commission together with major online platforms, and its measures are largely framed around advertising systems, monetisation, virality, recommender systems, content removal, demonetisation, and reporting commitments based on key performance indicators. As documented in our earlier reports, the Code places significant emphasis on measures such as "defunding" disinformation, enforcing policies to limit the spread of false information and reporting on volumes of content removed or demonetised. In contrast, community-governed platforms operate using significantly different governance logics, where moderation is primarily organised through community processes, and transparency is embedded through visible edit histories and discussion pages. This raises the question of whether the assumptions underpinning the Code and its implementation through Article 35's risk mitigation expectations adequately capture community-governed platforms.

A fundamental question arises whether Wikipedia is obliged to join the Code of Conduct, and what are the benefits and drawbacks. First, under Article 45, it explicitly mentions "voluntary" codes of conduct;¹⁷⁹ while Recital 103 also mentions the "voluntary" aspect of these codes of conduct, and emphasises that any implementation of the codes "should not impair the voluntary nature of such codes and the freedom of interested parties to decide whether to participate."¹⁸⁰ Indeed, Recital 104 is also premised on the idea that the Commission will first give an "invitation to participate" in a code of conduct, and the "refusal without proper explanations" by a VLOP of the Commission's invitation to participate in the application of a code of conduct "could be taken into account, where relevant," when determining whether the VLOP has "infringed the obligations laid down" by the DSA.¹⁸¹ Thus, it seems arguable that there is no strict obligation to join the Code of Conduct on Disinformation, and if there is an invitation to join from the Commission, this could arguably be refused, with "proper explanation". As such, is there a proper explanation of why Wikipedia would not join? And on joining the Code, there are a number of considerations. First, one notable feature of the Code is that platforms have discretion to choose which measures to adopt, and can opt out of certain measures not applicable to a community-governed platform's system. As such, were the Wikimedia Foundation to join, and adopt an approach similar to the DSA's risk assessment provisions and audit, where measures within scope would be "those conducted directly" by the Wikimedia Foundation, and

¹⁷⁸ See DSA, Recital 104 and DSA, Article 35(1)(h) ("initiating or adjusting cooperation with other providers of online platforms or of online search engines through the codes of conduct and the crisis protocols referred to in Articles 45 and 48 respectively").

¹⁷⁹ See DSA, Article 37.

¹⁸⁰ See DSA, Article 45(1).

¹⁸¹ See DSA, Recital 103.

“not the actions of the volunteer community,”¹⁸² it could be an option. Other civil society organisations are part of the Code.

However, it should be noted that the Code is arguably very much premised on a considerable amount of “reporting commitments” and “key performance indicators”, which is very much focused on tables of data for content removed or demonetised under the Code, which arguably may not transfer that neatly to Wikipedia’s community-moderated mechanisms for dealing with election disinformation, where reducing actions to simply a number of removals might prove difficult. And a third overarching point is that the actual purpose of the Code is to bring “transparency” to online platforms’ actions around disinformation, as recognised by the European Commission in its Opinion on the Code,¹⁸³ and set out “transparent Measures” by online platforms in tackling disinformation.¹⁸⁴ And all this is premised on targeting online platforms that have not been transparent about their operations, which are mainly those commercial social media VLOPs.¹⁸⁵ However, as demonstrated in the second Mapping Report, the Wikipedia measures applicable to disinformation are premised on the notion of transparency, where all measures are sought to be taken in a transparent way, through the community-moderated model, with all edit history and discussion history visible. Wikipedia’s measures applicable to disinformation are arguably very much open to the public already. Thus, the added value may not be so apparent. As such, this Final Report recommends that the arguments for Wikipedia joining the Code do not outweigh the arguments against, especially given Wikipedia’s transparent systems.

And a final recommendation would be related to how the Code is also the only piece of the EU framework that places an obligation on its signatories to remove disinformation, and as such, it is the most in tension with Article 10 ECHR. This Final Report would recommend that the Commission examine again Measure 14.2 of the Code, and ensure it is consistent with freedom of expression.

3.5.2 Guidelines should be written with Wikipedia in mind

Under Article 35(3) DSA, the European Commission may issue guidelines on the application of risk-mitigation measures in relation to specific risks, including to present best practices and

¹⁸² Wikimedia Foundation, “Wikipedia DSA Audit Report 2023-24 Public.pdf”, p. 9

¹⁸³ Commission Opinion on the assessment of the Code of Practice on Disinformation within the meaning of Article 45 of Regulation 2022/2065, C(2025) 1008 final, para. 24.

¹⁸⁴ Commission Opinion on the assessment of the Code of Practice on Disinformation within the meaning of Article 45 of Regulation 2022/2065, C(2025) 1008 final, para. 26.

¹⁸⁵ See, for example, Council of Europe Steering Committee for Media and Information Society, Guidance Note on countering the spread of online mis- and disinformation through fact-checking and platform design solutions in a human rights compliant manner (2024).

<https://edoc.coe.int/en/internet/11885-guidance-note-on-countering-the-spread-of-online-mis-and-disinformation-through-fact-checking-and-platform-design-solutions-in-a-human-rights-compliant-manner.html>.

recommend possible measures. The Commission's 2024 Guidelines on the mitigation of systemic risks for electoral processes are applicable to all VLOPs, including community-governed platforms such as Wikipedia.¹⁸⁶ Notably, the Guidelines contain specific measures for VLOPs to implement targeting disinformation, including the following. First, in order to "prevent the spread of disinformation" during the electoral process, VLOPs should facilitate access to "official information concerning the electoral process", based on official information from the electoral authorities.¹⁸⁷ Second, VLOPs should apply "inoculation measures" that "preemptively build resilience" against "disinformation narratives," by informing and preparing users, for example through the use of games, videos and other content on the generation of disinformation, which "encourages a critical reflection on the tactics" used for disinformation.¹⁸⁸ Third, VLOPs should use fact-checking labels on identified disinformation provided by independent fact checkers, and fact-checking teams of independent media organisations.¹⁸⁹

The foregoing measures are very much in the vein of providing the user with more information to address disinformation. However, there are particular measures which go much further, and are framed in the sense of reducing the spread of disinformation. In this regard, these include that VLOPs should "reduce the prominence" of disinformation in the context elections, including deceptive content that has been fact-checked as "false", or from accounts that have been "repeatedly found to spread disinformation".¹⁹⁰ Further, VLOPs should put systems in place to prevent the misuse of advertising systems to disseminate disinformation; engage in the "demonetisation" of disinformation content;¹⁹¹ ensure the "enforcement" of terms and conditions to "significantly decrease" the reach of generative AI content that depicts disinformation on the electoral process; and reduce the "virality" of content that "threatens the integrity of electoral processes".¹⁹² Thus, these measures are a mix of providing users with more information to counter disinformation; and also measures to reduce the reach and monetisation of disinformation. Importantly, VLOPs should also put in place an internal incident response

¹⁸⁶ 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, 26 April 2024, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52024XC03014&qid=1714466886277>.

¹⁸⁷ 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, Section 3.2.1

¹⁸⁸ 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, p.7.

¹⁸⁹ 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, p.7.

¹⁹⁰ 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, p. 8.

¹⁹¹ 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, p. 9.

¹⁹² 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, p. 9.

mechanism, involving senior leadership, during elections; and should set up contact points with national and European authorities, to be able to implement “rapid” measures in urgent situations.¹⁹³ The Guidelines strongly emphasise measures such as preventing the misuse of advertising systems, demonetising disinformation content, reducing its virality, and decreasing its reach through algorithmic measures. As discussed, similar emphases can be found in the Strengthened Code of Practice on Disinformation, which focuses on 'defunding' disinformation, content removal and reporting commitments.

Several elements of the guidelines appear to be partially applicable to certain aspects of Wikipedia's governance model. For instance, in the guidelines' section on mitigation measures that “provide users with more contextual information on the content and accounts they engage with”,¹⁹⁴ a possible measure suggested is “tools to assess the provenance, edit history, authenticity, or accuracy of digital content”,¹⁹⁵ an approach that aligns with Wikipedia's current practices. Additionally, the establishment of “effective internal measures to counter misuse of any of the above procedures and tools”¹⁹⁶ would seem to align with Wikipedia's approach, as exemplified by its dispute resolution mechanism internally facilitated.

For the next iteration of the Guidelines, it is recommended that the Commission considers Wikipedia's governance model as well as the findings of our reports, bearing in mind that the Guidelines should, on the one hand, be written with Wikipedia in mind and, on the other, benefit from the valuable insights that Wikipedia can provide based on its existing structures in the context of election disinformation.

¹⁹³ 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, p. 16.

¹⁹⁴ 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, paragraph 27.

¹⁹⁵ 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, paragraph 27.

¹⁹⁶ 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, paragraph 27.

4. Learnings and recommendations from community-governed platforms

Having set out general recommendations for the European regulatory framework on election disinformation, this section turns to assessing how mechanisms adopted by community-governed platforms, such as Wikipedia, have the potential to inform policymaking on the regulation of election disinformation in the EU. It is important to note that the points below build upon the findings presented in the Evaluation Report (D2.4). And to make these recommendations as concrete as possible, some are framed in relation to building upon provisions of the Election Guidelines for VLOPs, and how these can be applied to commercial platforms. However, these policy options can also be addressed through other legislative measures, or adopted by commercial VLOPs themselves.

And the opening point to be made is that there are arguably two major features of Wikipedia which contribute to tackling election disinformation: (a) first, Wikipedia's detailed content rules, which mean, in effect, only accurate, unbiased and well-sourced election related-information can be published on Wikipedia; and (b) second, the sophisticated volunteer community-based moderation and oversight process, which seeks to ensure false and misleading information is not published on Wikipedia, or is removed (e.g., Wikipedia's "recent changes" page, which is monitored by so-called patrollers,¹⁹⁷ and editors monitoring certain pages for edits, and protecting pages from edits; the "new pages patrol" where volunteer editors patrol newly created pages;¹⁹⁸ or specific patrols for edits to certain political party leader pages, certain politician pages, mayor pages, and political party pages). In the following sub-sections, these overarching features of the Wikipedia model are teased out, and related to possibly informing policy on election disinformation.

4.1 Wikipedia's content rules in the context election disinformation

As discussed in the second Mapping Report (D2.2), the "Wikipedia is written from a neutral point of view" (NPOV) policy forms one of the five pillars that guide Wikipedia and the Wikimedia Foundation and which have "informed how and why Wikipedia grows and develops".¹⁹⁹ NPOV entails that all articles should aim to be verifiably accurate by citing reliable sources and should not reflect the personal experiences, interpretations, or opinions of

¹⁹⁷ See, Wikipedia, "Recent changes,"

<https://en.wikipedia.org/wiki/Special:RecentChanges?hidebots=1&hidecategorization=1&hideWikibase=1&limit=50&days=1&urlversion=2>.

¹⁹⁸ See, Wikipedia, "New pages feed," <https://en.wikipedia.org/wiki/Special:NewPagesFeed>.

¹⁹⁹ Wikimedia Foundation, '2021-2022 Annual Report: Pillars That Inspire', <https://wikimediafoundation.org/about/annualreport/2022-annual-report/pillars/>.

editors.²⁰⁰ These reliable sources should come from independent, published sources with a reputation for fact-checking and accuracy, although the reliability of a source still depends on the context.²⁰¹ Some sources are “deprecated,” meaning they are deemed highly questionable and editors are discouraged from citing them in articles because they almost always fail the reliable sources guideline.²⁰² Such rules concerning deprecated sources may vary per language version as they are set by the Wikipedia communities. Moreover, deprecating a source differs from “blacklisting,” which is a separate mechanism whereby websites are usually blacklisted if they are involved in spam-related issues, such as external link spamming.²⁰³ Within the context of NPOV violations, there is a high level of awareness of systemic bias in Wikipedia pages arising from the demographics of the editing community.²⁰⁴ It is important to note the strong emphasis placed on categorising certain sources as reliable, as well as the transparent mechanism behind this categorisation, as this can be used to inform policies aimed at improving the veracity of information online and tackling election disinformation in particular.

As such, this Final Report recommends that Wikipedia’s procedures for deprecating sources can be utilised for further strengthening the election-disinformation risk-mitigation measures under Section 3.2.1. (Specific mitigation measures) of the Commission Guidelines on the mitigation of systemic risks for electoral processes.²⁰⁵ Thus, using the model of Wikipedia’s deprecated and non-deprecated sources could be an important tool to implement in the broader ecosystem, to “help users assess the trustworthiness of information sources”, focused on the “integrity of the source” based on “transparent methodologies”.

In addition, the Neutral Point of View (NPOV) policy does not mean the exclusion of certain points of view, but rather including all verifiable points of view which have sufficient “due weight.” Giving due weight and avoiding undue weight implies that articles should not “give minority views or aspects as much of or as detailed a description as more widely held views or widely supported aspects.”²⁰⁶ To determine proper weight, a viewpoint’s prevalence in reliable sources is considered, rather than its prevalence among Wikipedia editors or the general

²⁰⁰ Wikipedia, ‘Five Pillars’, https://en.wikipedia.org/wiki/Wikipedia:Five_pillars.

²⁰¹ Wikipedia, ‘Reliable Sources’, https://en.wikipedia.org/w/index.php?title=Wikipedia:Reliable_sources&oldid=1290893500.

²⁰² Wikipedia, ‘Deprecated Sources’, https://en.wikipedia.org/w/index.php?title=Wikipedia:Deprecated_sources&oldid=1276030532.

²⁰³ Wikipedia, ‘Deprecated Sources’, https://en.wikipedia.org/w/index.php?title=Wikipedia:Deprecated_sources&oldid=1276030532.

²⁰⁴ ‘Wikipedia:WikiProject Countering Systemic Bias - Wikipedia’, https://en.wikipedia.org/wiki/Wikipedia:WikiProject_Countering_systemic_bias.

²⁰⁵ 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,

²⁰⁶ ‘Wikipedia:Neutral Point of View - Wikipedia’, https://en.wikipedia.org/wiki/Wikipedia:Neutral_point_of_view#Due_and_undue_weight.

public.²⁰⁷ This means that, in order to be neutral, articles must "represent all significant viewpoints published by reliable sources, in proportion to the prominence of each viewpoint in those sources".²⁰⁸ The clear link with content being discussed and presented in reliable sources ties in with what is stated in the policies of "No original research," and "Verifiability," which, alongside NPOV, are Wikipedia's three core content policies.²⁰⁹

Also, in relation to election disinformation, within the English Wikipedia language version there is a specific {{Political POV}} template for cases where the political neutrality of an article is called into question.²¹⁰ This template alerts readers that the neutrality of an article is disputed and that it may contain biased or partisan political opinions about a political party, event, person or government, which are presented as facts.²¹¹ It invites readers to consult the talk page for further context and any relevant discussions.²¹² Along with this {{Political POV}} template, multiple other relevant 'Neutrality templates'²¹³ exist to dispute the neutral point of view of articles, including conflict of interest templates as a subcategory, as well as templates for Promotional, Self-published or gender biased edits.²¹⁴ In the context of election-related disinformation, transparent labelling acts as an internal warning mechanism while preserving open editorial debate, which is something that could inform policy surrounding the labelling of information flagged as "misleading" information in the context of election disinformation in the broader online information ecosystem.

As such, this Final Report recommends that Wikipedia's mechanism for alerts over the neutrality of an article can be utilised for further strengthening the election-disinformation risk-mitigation measures, and alerting users of biased or partisan political opinions about a

²⁰⁷ 'Wikipedia:Neutral Point of View - Wikipedia', https://en.wikipedia.org/wiki/Wikipedia:Neutral_point_of_view#Due_and_undue_weight.

²⁰⁸ 'Wikipedia:Neutral Point of View - Wikipedia', https://en.wikipedia.org/wiki/Wikipedia:Neutral_point_of_view#Due_and_undue_weight.

²⁰⁹ 'Wikipedia:No Original Research', *Wikipedia* (2025), https://en.wikipedia.org/w/index.php?title=Wikipedia:No_original_research&oldid=1315785306 and 'Wikipedia:Verifiability', *Wikipedia* (2025).

²¹⁰ 'Wikipedia:Neutral Point of View - Wikipedia', https://en.wikipedia.org/wiki/Wikipedia:Neutral_point_of_view#Due_and_undue_weight.

²¹¹ 'Template:Political POV', *Wikipedia* (2025), https://en.wikipedia.org/w/index.php?title=Template:Political_POV&oldid=1315311512.

²¹² 'Template:Political POV', *Wikipedia* (2025), https://en.wikipedia.org/w/index.php?title=Template:Political_POV&oldid=1315311512.

²¹³ 'Category:Neutrality Templates', *Wikipedia* (2025), https://en.wikipedia.org/w/index.php?title=Category:Neutrality_templates&oldid=1288903428.

²¹⁴ See for example: 'Category:Wikipedia Conflict of Interest Templates', *Wikipedia* (2016), https://en.wikipedia.org/w/index.php?title=Category:Wikipedia_conflict_of_interest_templates&oldid=710527326; 'Template:Promotional', *Wikipedia* (2026), <https://en.wikipedia.org/w/index.php?title=Template:Promotional&oldid=1347108333>; 'Template:Self-Published', *Wikipedia* (2023), <https://en.wikipedia.org/w/index.php?title=Template:Self-published&oldid=1185861872>; 'Template:GenderPOV', *Wikipedia* (2022), <https://en.wikipedia.org/w/index.php?title=Template:GenderPOV&oldid=1066926799>.

political party, event, person or government, which are presented as fact²¹⁵ Thus, using the model of Wikipedia's political information neutrality could be an important tool to implement in the broader ecosystem, to protect political debate online.

The principles of No original research (NOR) and Verifiability (V) have their origins in the NPOV policy and all three should be interpreted in combination with one another.²¹⁶ The prohibition of original research means that all material added to articles must be verifiable.²¹⁷ This means that an editor must be able to find a reliable published source that directly supports the material in question.²¹⁸ Ultimately, a statement can be verifiable even if it is not verified.²¹⁹ However, in some situations, an explicit in-line citation to a reliable source must also be provided, namely for "all direct quotations, contentious material about living people, and for anything challenged or likely to be challenged".²²⁰ The policy on "Biographies of Living People" falls under the category of "contentious matters" concerning living people, and notably, applies to politicians, and will be discussed further below.²²¹ In cases of disagreement between reliable sources, the expectation is to "maintain a neutral point of view and present what the various sources say, giving each side its due weight", which also ties back to the NPOV policy.²²²

Crucially, material about living persons that is added to any Wikipedia page is subject to "strict" adherence to the principles of verifiability, neutrality and the avoidance of original research, as well as to "all applicable laws in the United States" and the Biographies of Living Persons Policy.²²³ Additionally, a specific noticeboard exists for reporting issues related to particular biographical content.²²⁴ As will be elaborated on below, biographies of living persons are also one of the "contentious topics," as designated by the Arbitration Committee.²²⁵

Overall, Wikipedia's content rules, and in particular its stricter application of core policies to biographies of living persons, illustrate how, for example, treating information about politicians and political actors with heightened care can help prevent election-related disinformation, and can provide learnings for broader regulation in the online environment. In this regard, it is

²¹⁵ 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,

²¹⁶ 'Wikipedia:Neutral Point of View - Wikipedia',

https://en.wikipedia.org/wiki/Wikipedia:Neutral_point_of_view#Due_and_undue_weight.

²¹⁷ 'Wikipedia:No Original Research'.

²¹⁸ 'Wikipedia:Verifiability'.

²¹⁹ 'Wikipedia:Verifiability'.

²²⁰ 'Wikipedia:Verifiability'.

²²¹ 'Wikipedia:Biographies of Living Persons', *Wikipedia* (2025),

https://en.wikipedia.org/w/index.php?title=Wikipedia:Biographies_of_living_persons&oldid=1314937930.

²²² 'Wikipedia:Verifiability'.

²²³ 'Wikipedia:Biographies of Living Persons'.

²²⁴ 'Wikipedia:Biographies of Living Persons'.

²²⁵ 'Template:Contentious Topics/Table', *Wikipedia* (2025),

https://en.wikipedia.org/w/index.php?title=Template:Contentious_topics/table&oldid=1314203826.

recommended as a possible policy option that Wikipedia articles on politicians and political actors could be classed as “authoritative information on the electoral process,” and made prominent and easily-accessible across the online election-related ecosystem, building on the Commission’s Election Guidelines.

4.2 Wikipedia’s community-based moderation and oversight and election disinformation

Having outlined Wikipedia’s content policies and their relevance in addressing election disinformation, this section turns to the platform’s moderation and oversight mechanisms. It examines how compliance can be achieved and how these mechanisms could help prevent the spread of false or misleading election-related information, by looking at mechanisms such as the Recent Changes Patrol and other patrolling systems, as well as dispute resolution processes governed by the Arbitration Committee.

4.2.1 Live edits, Recent Changes and patrolling

A defining feature of Wikipedia’s community-based moderation system is the Recent Changes Patrol, which consists of volunteers dedicated to checking various articles for edits that are “inappropriate”.²²⁶ This is done via the Recent Changes list, which shows all live edits made to Wikipedia articles.²²⁷ This list can be filtered to display articles by various criteria, such as featured articles,²²⁸ good articles,²²⁹ articles about living people, contributions from new accounts, contributions from IP addresses, contributions from mobile users, which, as stated by the ‘Recent changes patrol’ information page, are more prone to vandalism, and by likelihood of being damaging or in bad faith.²³⁰ In addition, due to the high volumes of edits occurring each second, several tools have been created to facilitate this process.²³¹ With approximately more than 4500 active Recent Changes patrollers on the English Wikipedia, this mechanism is a notable example of the transparency of Wikipedia’s moderation process, in that all edits are not only reviewable by the community, but also made visible and remain so.²³²

²²⁶ ‘Wikipedia:Recent Changes Patrol’, *Wikipedia* (2025),

https://en.wikipedia.org/wiki/Wikipedia:Recent_changes_patrol.

²²⁷ ‘Recent Changes - Wikipedia’, <https://en.wikipedia.org/wiki/Special:RecentChanges>.

²²⁸ ‘Wikipedia:Featured Articles’, *Wikipedia* (2025),

https://en.wikipedia.org/w/index.php?title=Wikipedia:Featured_articles&oldid=1317044954.

²²⁹ ‘Wikipedia:Good Articles’, *Wikipedia* (2025),

https://en.wikipedia.org/w/index.php?title=Wikipedia:Good_articles&oldid=1273668498.

²³⁰ ‘Wikipedia:Recent Changes Patrol’.

²³¹ ‘Wikipedia:Recent Changes Patrol’.

²³² ‘Category:Wikipedian Recent Changes Patrollers’, *Wikipedia* (2025),

https://en.wikipedia.org/w/index.php?title=Category:Wikipedian_recent_changes_patrollers&oldid=1292178531.

The Recent Changes Patrol forms part of Wikipedia's wider patrolling infrastructure. These patrols are a specific WikiProject,²³³ meaning a group of contributors who collaborate to improve Wikipedia, and are responsible for monitoring a class of pages and taking action where necessary.²³⁴ In general, individual Wikipedia editors perform most of the patrol actions, while some involve computer programs or pre-programmed scripts that perform automated edits.²³⁵ Another important distinction is between patrolling single projects, where patrolling can take different forms across different Wikimedia projects, and cross-project patrolling.²³⁶ Cross-project patrolling involves several tools built into the platform. These include the global block logs,²³⁷ where IP addresses causing disruption and blocked globally are logged, and global user rights.²³⁸ The community has also developed various cross-project patrolling and vandalism prevention mechanisms, including the Counter Vandalism Network²³⁹ community and the spam blacklist, implemented as a countermeasure to spam.²⁴⁰ Here, spam generally refers to one of three main types: promotional articles disguised as encyclopaedic content, the addition of excessive or inappropriate external links, and citation spamming intended to promote authors or works rather than provide relevant references.²⁴¹

The working methods of patrollers are influenced by various factors, including the type of vandalism or disruptive editing being targeted, or the availability of specialised patrolling tools beyond those implemented by default across all Wikipedias.²⁴² Within the English Wikipedia, there are different subgroups of patrols. In addition to the above-mentioned Recent Changes Patrols, there also are, for example, the Articles for Deletion Patrols,²⁴³ who moderate deletion discussions with constructive comments; the New Pages Patrols,²⁴⁴ who patrol newly created pages to improve them and provide assistance with edits made by new users who are unfamiliar with Wikipedia's policies and guidelines; and the WikiProject New Zealand/Vandalism Patrol, whose shared watchlist is intended to "better organise information in articles related to New

²³³ 'Wikipedia:WikiProject',

²³⁴ 'Wikipedia:Patrols',

²³⁵ 'Wikipedia:Patrols',

²³⁶ 'Research:Patrolling on Wikipedia/Report - Meta',

²³⁷ 'Global Blocks - Meta-Wiki', https://meta.wikimedia.org/wiki/Global_blocks.

²³⁸ 'Global Rights - Meta-Wiki', https://meta.wikimedia.org/wiki/Global_rights.

²³⁹ 'Countervandalism Network - Meta-Wiki', https://meta.wikimedia.org/wiki/Countervandalism_Network.

²⁴⁰ 'Wikipedia:Spam Blacklist', *Wikipedia* (2025), https://en.wikipedia.org/w/index.php?title=Wikipedia:Spam_blacklist&oldid=1290431420.

²⁴¹ 'Wikipedia:Spam', *Wikipedia* (2025), <https://en.wikipedia.org/w/index.php?title=Wikipedia:Spam&oldid=1315472299>.

²⁴² 'Research:Patrolling on Wikipedia/Report - Meta-Wiki', https://meta.wikimedia.org/wiki/Research:Patrolling_on_Wikipedia/Report.

²⁴³ 'Wikipedia:AfD Patrol', *Wikipedia* (2023), https://en.wikipedia.org/w/index.php?title=Wikipedia:AfD_Patrol&oldid=1174418180.

²⁴⁴ 'Wikipedia:New Pages Patrol', *Wikipedia* (2025), https://en.wikipedia.org/w/index.php?title=Wikipedia:New_pages_patrol&oldid=1315743198.

Zealand",²⁴⁵ and more importantly includes political party leaders, certain politicians, mayors, and parties.

The large number of patrollers is in proportion to the fact that large projects such as the English Wikipedia are specific targets for various forms of vandalism due to the high exposure in terms of the large number of articles, the large number of readers, and the high search engine rankings.²⁴⁶ Types of vandalism or disruptive editing, which have been recognised here, can range from persistent disruption for disruption's sake to long-term disinformation campaigns coordinated externally by well-resourced interested parties, such as ideologically motivated interest groups, corporations or even potentially nation states.²⁴⁷

Wikipedia's patrolling system is a notable example of how, through community-based oversight, accountability and transparency can be operationalised. The idea of setting up patrols for political and election-related pages can inform the wider online information ecosystem, demonstrating how targeted monitoring can help prevent the spread of election-related disinformation.

4.2.2 Dispute resolution and the Wikipedia Arbitration Committee

When conflicts between Wikipedia editors cannot be resolved in any other way, the Arbitration Committee (ArbCom) is responsible for resolving them through a Wikipedia arbitration process.²⁴⁸ This committee is elected annually by the community and is governed by the arbitration policy (ARBPOL).²⁴⁹ Understanding the role of the Arbitration Committee is particularly important in the context of tackling election disinformation, as it is the highest body in the community for resolving disputes and setting standards, including on determining contentious topics, as will be discussed.

The Arbitration Committee can designate topics that have attracted more disruptive editing than other areas of the project as contentious topics, to which a special set of rules applies.²⁵⁰ Here, it is held that, when editing a contentious topic, "Wikipedia's norms and policies are more strictly enforced and Wikipedia administrators have additional authority to reduce disruption to the project".²⁵¹ Designated topics include areas of conflict relating to living or recently deceased

²⁴⁵ 'Wikipedia:WikiProject New Zealand', *Wikipedia* (2025), https://en.wikipedia.org/w/index.php?title=Wikipedia:WikiProject_New_Zealand&oldid=1306646134.

²⁴⁶ Research:Patrolling on Wikipedia/Report - Meta'.

²⁴⁷ Research:Patrolling on Wikipedia/Report - Meta'.

²⁴⁸ 'Wikipedia:Arbitration', *Wikipedia* (2025), <https://en.wikipedia.org/w/index.php?title=Wikipedia:Arbitration&oldid=1305343481>.

²⁴⁹ 'Wikipedia:Arbitration/Policy'.

²⁵⁰ 'Wikipedia:Contentious Topics', *Wikipedia* (2025), https://en.wikipedia.org/w/index.php?title=Wikipedia:Contentious_topics&oldid=1316711013.

²⁵¹ 'Wikipedia:Contentious Topics', *Wikipedia* (2025), https://en.wikipedia.org/w/index.php?title=Wikipedia:Contentious_topics&oldid=1316711013.

individuals, as well as edits relating to the subject of biographical articles about such individuals. Crucially, this applies to politicians and other political figures, and is designed to support the application of the “Biographies of living persons” policy.²⁵² Another designated contentious topic includes the results of any national or sub-national election.²⁵³ In practice, it holds that “administrators have the ability to set editor restrictions (restrictions on editing by particular editors) and page restrictions (special rules on how particular pages can be edited)”. Also, both of these restrictions may be appealed.²⁵⁴ To illustrate this here, examples of measures that can be taken include page protection, as well as “consensus required,” which entails that “an edit that is challenged by reversion may not be reinstated without affirmative consensus on the talk page”.²⁵⁵ Another possible measure is the “Enforced BRD” restriction, which stands for the “BOLD, Revert, Discuss” cycle,²⁵⁶ whereby an “edit that is challenged by reversion may not be reinstated by the editor who originally made it until the editor (a) posts a talk page message discussing the edit and (b) waits 24 hours from the time of the talk page message”.²⁵⁷ Of particular note, these measures hold for both contentious topics of biographies of living persons as well as historical elections.²⁵⁸ In addition to the Recent Changes mechanism, these Arbitration Committee’s activities demonstrate that transparent and accessible decision-making is integral to Wikipedia’s governance processes.

Further, in terms of other broader policy learnings relating to the Digital Services Act, the obligations relating to statements of reasons and appeals mechanisms are also relevant.²⁵⁹ Wikipedia’s transparent approach to content moderation could arguably offer valuable insights in this regard. While Article 17 of the DSA requires online platforms to provide a statement of reasons for each restriction of content or account, the statements currently issued by many VLOPS have been criticised for being somewhat superficial.²⁶⁰

²⁵² ‘Wikipedia:Biographies of Living Persons’, *Wikipedia* (2025), https://en.wikipedia.org/w/index.php?title=Wikipedia:Biographies_of_living_persons&oldid=1314937930.

²⁵³ ‘Template:Contentious Topics/Table’.

²⁵⁴ ‘Wikipedia:Contentious Topics’.

²⁵⁵ ‘Wikipedia:Contentious Topics’, *Wikipedia* (2025), https://en.wikipedia.org/w/index.php?title=Wikipedia:Contentious_topics&oldid=1317008124.

²⁵⁶ ‘Wikipedia:BOLD, Revert, Discuss Cycle’, *Wikipedia* (2026), https://en.wikipedia.org/w/index.php?title=Wikipedia:BOLD_revert_discuss_cycle&oldid=1347167864.

²⁵⁷ ‘Wikipedia:Contentious Topics’, *Wikipedia* (2025), https://en.wikipedia.org/w/index.php?title=Wikipedia:Contentious_topics&oldid=1317008124.

²⁵⁸ ‘Wikipedia:Contentious Topics/Historical Elections - Wikipedia’, https://en.wikipedia.org/wiki/Wikipedia:Contentious_topics/Historical_elections, and ‘Wikipedia:Contentious Topics/Biographies of Living Persons - Wikipedia’, https://en.wikipedia.org/wiki/Wikipedia:Contentious_topics/Biographies_of_Living_Persons.

²⁵⁹ See: Article 17 and Article 20 DSA

²⁶⁰ See: Rishabh Kaushal and others, ‘Automated Transparency: A Legal and Empirical Analysis of the Digital Services Act Transparency Database’, *Proceedings of the 2024 ACM Conference on Fairness, Accountability, and Transparency* (Association for Computing Machinery 2024), <https://dl.acm.org/doi/10.1145/3630106.3658960> and Charis Papaevangelou and Fabio Votta, ‘Trading Nuance for Scale? Platform Observability and Content Governance under the DSA’ (17 September 2025), <https://policyreview.info/articles/analysis/platform-observability-and-content-governance>.

Similarly, the DSA's out-of-court dispute settlement mechanisms have been criticised over a lack of transparency, as most decisions are not publicly available.²⁶¹ By contrast, Wikipedia, through integrating openness into its moderation structure, making every editorial action public and accessible, and addressing disputes through open discussion and, where necessary, through also publicly-available arbitration, makes transparent moderation an ongoing process, which offers valuable lessons relevant to the implementation of the DSA for other platforms.

Wikipedia community moderation and governance model, coupled with core content policies (e.g Neutral Point of View, Verifiability, No Original Research) provide a major bulwark against disinformation and support the aim of providing accurate, reliable, and unbiased information.

4.3 Behavioural standards and rules

As follows from our Mapping Report (D2.3), in addition to community-led and technical moderation efforts, Wikipedia's approach to election disinformation is supported by behavioural standards and rules established by the Wikimedia Foundation, most notably the Universal Code of Conduct and the Terms of Use.²⁶² The Terms of Use and the Code of Conduct provide the formal basis for a range of intervention options by the Wikimedia Foundation, also known as office actions, which the Wikimedia Foundation could deploy if for example community action has proven ineffective, or if legal considerations demand intervention by the Wikimedia Foundation, such as for example page protection and range blocks. Most of these actions can also be carried out by the community. For example, as discussed with regard to contentious topics, one measure that administrators can take is page protection.²⁶³

As also follows from our Mapping Report (D2.3), regarding unacceptable behaviour, the Universal Code of Conduct identifies a range of unacceptable behaviour relevant for election disinformation. This includes deliberately introducing "biased, false, inaccurate or inappropriate content", and the hindrance, impedance, or other obstruction of content creation as well as its maintenance.²⁶⁴ Including arbitrarily and unexplainably repeatedly removing content and systematically manipulating content to favour specific interpretations of facts or points of view, including by means of unfaithfully or deliberately falsely rendering sources and altering the

²⁶¹ Article 21 DSA, and see for an example of an overview of cases from such a body:

<https://www.appealscentre.eu/wp-content/uploads/2025/09/Appeals-Centre-Europe-Transparency-Report.pdf>.

²⁶² See: Wikimedia Foundation, "Wikimedia Foundation Universal Code of Conduct",

https://foundation.wikimedia.org/wiki/Policy:Universal_Code_of_Conduct and Wikimedia Foundation, "Wikimedia Foundation Terms of Use", https://foundation.wikimedia.org/wiki/Policy:Terms_of_Use#introduction.

²⁶³ 'Wikipedia:Contentious Topics', *Wikipedia* (2025),

https://en.wikipedia.org/w/index.php?title=Wikipedia:Contentious_topics&oldid=1317008124.

²⁶⁴ See: Wikimedia Foundation, 'Wikimedia Foundation Universal Code of Conduct', Section 3.3.

correct way of composing editorial content.²⁶⁵ Similarly, the Terms of Use prohibit engaging in false statements, specified as "posting or modifying content with the intent to deceive or mislead others".²⁶⁶ Other prohibited actions include impersonating individuals, concealing affiliations where disclosure is required by the terms, or using the name or username of another person with the intent to deceive, and engaging in fraudulent behaviour.²⁶⁷

4.4 Paid editing and Conflict of Interest

As detailed in our Mapping Report (D2.3), with promotional editing being identified as a concern during the 2024 European Parliament elections, the provisions in the Terms of Use on paid contributions are relevant in the context of election disinformation.²⁶⁸ These provisions require contributors who receive, or expect to receive, compensation for their edits to disclose the organisation or individual on whose behalf they are contributing.²⁶⁹ This disclosure may be made on the user page, the relevant discussion page or in the edit summary. These measures are intended to promote transparency and enable the community to understand the context in which edits are made, particularly in politically sensitive areas. Moreover, promotional editing is incompatible with Wikipedia's own definition as "not an advertising platform", as set out in its Five Pillars.²⁷⁰ In addition, in terms of rules on user conduct on Wikipedia, paid editing is strongly discouraged and represents a form of financial conflict of interest.²⁷¹ For cases that would fall under the policy on matters relating to living people, it is however allowed for "very obvious errors to be fixed quickly, including by the subject".²⁷² If an editor is suspected of having a conflict of interest and an ordinary talk page discussion has failed to resolve the issue, the matter can be flagged on a specific Conflict of Interest Noticeboard.²⁷³

In the context of election disinformation, Wikipedia's approach to paid editing and conflict-of-interest disclosure offers a useful point of reference, particularly in relation informing regulation of political social media influencers. In particular, Wikipedia disclosure rules and the Conflict of Interest Noticeboard are models that could be built upon when regulating paid-for political messages by social media influencers during election periods. For example, Section 3.2.1 of the Election Guidelines (Specific mitigation measures) state that

²⁶⁵ Wikimedia Foundation, 'Wikimedia Foundation Universal Code of Conduct', Section 3.3.

²⁶⁶ Wikimedia Foundation, 'Wikimedia Foundation Terms of Use', Section 4.

²⁶⁷ Wikimedia Foundation, 'Wikimedia Foundation Terms of Use', Section 4.

²⁶⁸ Wikimedia Foundation, 'Wikimedia Foundation Terms of Use', Section 4.

²⁶⁹ Wikimedia Foundation, 'Wikimedia Foundation Terms of Use', Section 4.

²⁷⁰ Wikipedia, 'Five Pillars', https://en.wikipedia.org/wiki/Wikipedia:Five_pillars.

²⁷¹ Wikipedia, 'Wikipedia:Conflict of Interest', https://en.wikipedia.org/w/index.php?title=Wikipedia:Conflict_of_interest&oldid=1320093915#Paid_editing.

²⁷² Wikipedia, 'Wikipedia:Conflict of Interest', https://en.wikipedia.org/w/index.php?title=Wikipedia:Conflict_of_interest&oldid=1320093915#Paid_editing.

²⁷³ Wikipedia, 'Wikipedia:Conflict of Interest/Noticeboard', https://en.wikipedia.org/w/index.php?title=Wikipedia:Conflict_of_interest/Noticeboard&oldid=1322681742.

commercial VLOPs should “[p]rovide a functionality to allow influencers to declare whether the content they provide is or contains political advertising,” and [“e]nsure that other recipients of the service can identify in a clear, salient and unambiguous manner and in real time”.

4.5 Further learnings from the Wikipedia model and election disinformation

Also discussed in our Mapping Report (D2.3), it seems quite clear that the Wikimedia Foundation has taken significant steps to protect Wikipedia from election-related disinformation. This includes several Disinformation Response Teams, which have been established to protect the integrity of the 2024 elections, including the Indian parliamentary elections, the European parliamentary elections, and the US presidential election that year.²⁷⁴ Indeed, during the US elections, around 2,000 election-related pages were protected, meaning they could only be edited by users with certain access rights, depending on the level of protection applied. In addition, these pages were monitored in real time by over 56,000 volunteer editors.²⁷⁵ Furthermore, the Wikimedia Foundation's disinformation task force recorded and evaluated 18 relevant events, and in addition the community reversed an estimated 800 edits on election-related pages between 3 and 7 November 2020.²⁷⁶ Notably, neither the task force members nor the Wikipedia administrators detected any large-scale state-sponsored disinformation during that period.²⁷⁷

²⁷⁴ See: 'Wikimedia Foundation/Legal/Community Resilience and Sustainability/Trust and Safety/2024 Election Anti Disinformation Report - Meta-Wiki', https://meta.wikimedia.org/wiki/Wikimedia_Foundation/Legal/Community_Resilience_and_Sustainability/Trust_and_Safety/2024_Election_Anti_Disinformation_Report and Ryan Merkley, 'What Wikipedia Saw during Election Week in the U.S., and What We're Doing next' (*Wikimedia Foundation*, 17 December 2020), <https://wikimediafoundation.org/news/2020/12/17/what-wikipedia-saw-during-election-week/>.

²⁷⁵ Ryan Merkley, 'What Wikipedia Saw during Election Week in the U.S., and What We're Doing next' (*Wikimedia Foundation*, 17 December 2020), <https://wikimediafoundation.org/news/2020/12/17/what-wikipedia-saw-during-election-week/>.

²⁷⁶ Ryan Merkley, 'What Wikipedia Saw during Election Week in the U.S., and What We're Doing next' (*Wikimedia Foundation*, 17 December 2020), <https://wikimediafoundation.org/news/2020/12/17/what-wikipedia-saw-during-election-week/>.

²⁷⁷ Ryan Merkley, 'What Wikipedia Saw during Election Week in the U.S., and What We're Doing next' (*Wikimedia Foundation*, 17 December 2020), <https://wikimediafoundation.org/news/2020/12/17/what-wikipedia-saw-during-election-week/>.

5. Broader regulatory reform on disinformation during elections

5.1 Transparency of decisions

Transparency of the decisions needs to be better, like for instance, how would a freezing order apply to Wikipedia. As mentioned above, despite its central enforcement role, the Commission publishes very little of the legal and evidentiary material underpinning its regulatory activity, applying a “general presumption of confidentiality”.²⁷⁸ This practice has been criticised in academic literature, and by the European Ombudsman, who has challenged the Commission’s previous refusal to disclose X’s systemic risk assessment report and argued that the presumption of confidentiality constituted maladministration.²⁷⁹

Again, and as mentioned above, this does raise questions for community-governed platforms, including Wikipedia in particular, as Article 34 and 35 have been criticised for vagueness, with scholarship noting the “breadth and vagueness of Articles 34–35 gives the Commission significant discretion over their interpretation and enforcement.”²⁸⁰ As such, it is recommended that when the Commission is issuing far-reaching orders, and interpreting Article 34 and 35, it is crucial for Wikipedia that it can ensure its processes are consistent with the Commission’s interpretation of Article 34 and 35. This does raise a fundamental issue under the right to freedom of expression under Article 10 ECHR for platforms generally, as the European Court of Human Rights has found difficulties with public authorities, such as regulators and courts, issuing regulatory measures that have “not [been] substantiated by any concrete reasons or evidence.”²⁸¹

5.2 Transparency around table-tops

While the organisation of pre-election roundtable discussions, tabletop exercises (or ‘stress tests’) by DSCs demonstrates an active and coordinated approach to mitigating election-related risks under the DSA, concerns regarding the transparency thereof remain. For example, it is unclear on what basis specific VLOPs are selected to participate in these exchanges and which

²⁷⁸ M. Fabbri, ‘The Role of Requests for Information in Governing Digital Platforms Under the Digital Services Act: The Case of X’ (2025) 6 *Journalism and Media* 41, p. 3.

²⁷⁹ European Ombudsman, ‘The European Ombudsman’s Preliminary Views on the European Commission’s Refusal to Give Public Access to the Risk Assessment Report of a Large Social Media Company on Its Compliance with the Provisions of the Digital Services Act’ (European Ombudsman, 18 February 2025).

²⁸⁰ R. Griffin, “Codes of Conduct in the Digital Services Act,” (2024) *Technology and Regulation* 167, p. 176.

²⁸¹ *Google LLC and Others v. Russia*, Application no. 37027/22, 8 July 2025, para. 106.

set of criteria is used to select them. It is also uncertain whether or not eventual discussion outcomes are documented, and if so, made available.

To ensure the effective application of the DSA, greater transparency on these matters would generally be helpful. In particular, community-governed platforms would benefit from greater clarity on how they are expected to fit within these coordination mechanisms and on how their specific risk profiles and mitigation practices are considered in roundtables and stress tests.

Alongside this, the Commission published an elections toolkit aimed at DSCs being national regulators, which provides details on the practical application of the DSA Election Guidelines during electoral processes. While the toolkit provides more information, specifically for the pre-election roundtables and tabletop exercises, on the goals and other details of these efforts, it does not address the transparency issues outlined above. Consequently, a recommendation would be that the toolkit should be updated to include more transparency and documentation, with the involvement of community-governed platforms.

5.3 Member State regulators and oversight of Article 9 and Article 10: granulating about the laws invoked

Crucially, and as mentioned above, in relation to specific obligations under the DSA, and as demonstrated in the first Mapping Report (D2.1), it should be reiterated that there are no specific provisions in the DSA requiring online platforms or VLOPs, including community-governed platforms, such as Wikipedia, to remove or prohibit election disinformation. However, an important finding is that where election disinformation qualifies as illegal content under EU member state legislation, the DSA does contain provisions (e.g., Article 9), where online platforms may be ordered to remove certain illegal content. The Wikimedia Foundation has not so far reported an Article 9 order being issued against it in relation to disinformation; however, it should be noted that other VLOPs have reported being subject to Article 9 orders under national laws applicable to disinformation.²⁸²

And a very important point is that under Article 16 DSA, online platforms, including Wikipedia, have the obligation of putting in place “mechanisms in place to allow any individual or entity to notify them of the presence on their service of specific items of information that the individual or entity considers to be illegal content”.²⁸³ And platforms should process any notices and take their decisions in a “timely, diligent, non-arbitrary and objective manner”, depending on the type of illegal content being notified and the urgency of taking action.²⁸⁴ Crucially, it should be

²⁸² See those mentioned in R. O Fathaigh, D. Buijs, and J. van Hoboken, “The Regulation of Disinformation Under the Digital Services Act” (2025) 13 *Media and Communication* 1, at 4.

²⁸³ See, DSA, Article 16(1).

²⁸⁴ See, DSA, Recital 52.

noted that the Wikimedia Foundation did receive a number of Article 16 DSA notices relating to disinformation in 2025, including 2 from France (Negative effects on civic discourse: Misinformation/disinformation); 3 from Germany (Negative effects on civic discourse: Misinformation/disinformation); 1 from Romania (Negative effects on civic discourse: Misinformation/disinformation); 1 from Spain (Negative effects on civic discourse: Misinformation/disinformation); and 1 from Sweden (Negative effects on civic discourse: Misinformation/disinformation).²⁸⁵ The Wikimedia Foundation reported that none of these notices resulted in office actions.²⁸⁶

Similarly, in January to June 2024, the Wikimedia Foundation reported that it received Article 16 DSA notice and action requests relating to “illegal content” concerning disinformation, including 4 from Germany (Misinformation) and 1 from Spain (Misinformation).²⁸⁷ Thus, while these Article 16 DSA notices do not seem to be resulting in Wikimedia Foundation office actions to remove content, it does demonstrate that the DSA provisions highlighted in the first Mapping Report applicable to illegal content are being applied to Wikipedia in EU member states. This does of course raise a broader issue about the compatibility of these national laws with the right to freedom of expression under Article 10 ECHR.²⁸⁸

As such, a main recommendation for policy-making is to ensure that the community-governed model of platform governance is not subject to a chilling effect by regulatory enforcement of the DSA, especially around the regulatory impact of Article 34 and 35. And freedom of expression needs to be front and centre in the application for instance of Article 9, Article 10 and Article 16, where Wikipedia is already receiving notices of under highly-questionable national legislation on, for example, false information.²⁸⁹

5.4 Providing an online environment to promote election-related freedom of expression

These recommendations also seek to ensure community-governed platforms can operate in a regulatory environment where there are no disproportionate regulatory constraints in providing

²⁸⁵ See, Wikimedia Foundation, Transparency report - January to June 2025, EU Digital Services Act information, <https://wikimediafoundation.org/who-we-are/transparency/2025-1/eu-digital-services-act-information/>.

²⁸⁶ See, Wikimedia Foundation, Transparency report - January to June 2025, EU Digital Services Act information, <https://wikimediafoundation.org/who-we-are/transparency/2025-1/eu-digital-services-act-information/>.

²⁸⁷ See, Wikimedia Foundation, Transparency report - January to June 2024, EU Digital Services Act information, <https://wikimediafoundation.org/who-we-are/transparency/2024-1/eu-digital-services-act-information/>.

²⁸⁸ See R. O Fathaigh, D. Buijs, and J. van Hoboken, “The Regulation of Disinformation Under the Digital Services Act” (2025) 13 *Media and Communication* 1.

²⁸⁹ See, Wikimedia Foundation, Transparency report - January to June 2025, EU Digital Services Act information, <https://wikimediafoundation.org/who-we-are/transparency/2025-1/eu-digital-services-act-information/>.

an online environment to promote election-related freedom of expression. The first point that must be addressed, and that has been somewhat under-explored in the application of the DSA to community-governed platforms, is the importance of recognising that any application of the DSA to a community-governed platform must be consistent with the right freedom of expression, guaranteed under Article 10 of the European Convention on Human Rights ECHR.²⁹⁰ In this regard, it must be emphasised that Wikipedia, as an online platform, has a specific right to freedom of expression under Article 10 ECHR. This is because the European Court of Human Rights has consistently held that the right to freedom of expression not only protects the “content of ideas and information,” but also the “means of dissemination,” and any restriction imposed on such means “necessarily interferes with the right to receive and impart information.”²⁹¹ Crucially, the Court has held that platforms, such as Wikipedia, which facilitate “[u]ser-generated expressive activity,” provide an “unprecedented platform for the exercise of freedom of expression.”²⁹² Indeed, the Court has held that the providers of a platform “putting in place the means for others to impart and receive information” is a specific exercise of freedom of expression, and as such, a platform such as Wikipedia is protected by the right to freedom of expression under Article 10. Further, the European Court delivered a landmark judgment 2025 on legislation applicable to online platforms, with the Court recognising that a “compulsion to host specific content,” “backed by financial penalties,” “directly impact[s] a platform’s “right to determine what content” to “host on its platform.”²⁹³ This right falls within the scope of Article 10, which protects “not only the content of information but also the means of its transmission.”²⁹⁴

Given that Wikipedia enjoys a distinct right to freedom of expression, this has important consequences for any legislation which may interfere with its freedom of expression. Notably, any interference must be “prescribed by law,” which means that legislation interfering with Wikipedia’s freedom of expression is only compatible with Article 10 ECHR if it provides “adequate safeguards” in law against “arbitrary interferences by public authorities.”²⁹⁵ Indeed, the Court has held that regulatory governance by an “independent authority” exercising “clearly defined powers” delegated by the legislature constitutes one of the “main safeguards” against “arbitrary interference with the right to impart information and ideas.”²⁹⁶

Moreover, not only does Wikipedia enjoy a distinct right to freedom of expression, given the nature of the expressive activity on its platform, it might enjoy a higher level of protection, as it

²⁹⁰ Convention for the Protection of Human Rights and Fundamental Freedoms, 213 UNTS 221, 4 November 1950.

²⁹¹ *Cengiz and Others v. Turkey*, Application nos. 48226/10 and 14027/11, 1 December 2015, para. 56.

²⁹² *Cengiz and Others v. Turkey*, Application nos. 48226/10 and 14027/11, 1 December 2015, para. 56.

²⁹³ *Google LLC and Others v. Russia*, Application no. 37027/22, para. 91.

²⁹⁴ *Google LLC and Others v. Russia*, Application no. 37027/22, para. 91.

²⁹⁵ *Google LLC and Others v. Russia*, Application no. 37027/22, 8 July 2025, para. 93.

²⁹⁶ *Europa Way S.r.l. v. Italy*, Application no. 64356/19, 27 November 2025, para. 120.

is a platform where editors “can share diverse viewpoints on matters of public interest.”²⁹⁷ Indeed, these principles were recently applied by the UK High Court, where it held that Wikipedia is a tool that provides “significant value for freedom of speech and expression,” and the Court explicitly held that Wikipedia’s operating model had “been shown to be effective in promoting freedom of expression whilst promoting a high quality of content.”²⁹⁸

Thus the Wikimedia Foundation’s claim in its risk assessment that it does not want to interfere in its community-governance structure does in a sense mirror a claim that can be made under Article 10 ECHR: the DSA, as a piece of legislation interfering with freedom of expression, any consequence of Wikipedia’s having to change its structure is an interference with its right to determine “the means” in terms of protecting its method of communication. Again, the UK High Court also applied this principle that any decision by a public authority, or legislation, which has a “significant impact” on Wikipedia’s ability to operate would be “contrary” to Article 10 ECHR in the “absence of justification.”²⁹⁹ While it should be noted that the 17-judge Grand Chamber of the European Court of Human Rights has explicitly held that different considerations in terms of regulation should apply to online platforms which do not operate for “economic purposes”.³⁰⁰

Thus, for EU legislators, and indeed the European Commission, the application and enforcement of the DSA must be considered in light of community-governed platforms’ freedom of expression, including Wikipedia’s specific right to freedom of expression, which encompasses its community-governed model. The application of DSA provisions which can create a significant impact of the community-governed model must be applied consistent with Article 10 ECHR, in particular, such application must be proportionate.

Finally, one of the main points for policy-making is to ensure that the community-governed model of platform governance is not subject to a chilling effect by regulatory enforcement of the DSA, especially around the regulatory impact of Article 34 and 35. And freedom of expression needs to be front and centre in the application for instance of Article 9, Article 10 Article 16 notices, where Wikipedia is already receiving notices of under highly-questionable national legislation on, for example, false information.³⁰¹

²⁹⁷ Wikimedia Foundation v. Secretary of State for Science, Innovation and Technology [2025] EWHC 2086 (Admin), para. 17.

²⁹⁸ Wikimedia Foundation v. Secretary of State for Science, Innovation and Technology [2025] EWHC 2086 (Admin), para. 125.

²⁹⁹ Wikimedia Foundation v. Secretary of State for Science, Innovation and Technology [2025] EWHC 2086 (Admin), para. 2.

³⁰⁰ Delfi AS v. Estonia, Application no. 64569/09, 16 June 2015, para. 115.

³⁰¹ See, Wikimedia Foundation, Transparency report - January to June 2025, EU Digital Services Act information, <https://wikimediafoundation.org/who-we-are/transparency/2025-1/eu-digital-services-act-information/>.

6. Concluding remarks and summary of recommendations

In light of the foregoing, there are a number of concluding points to consider from this Final Report setting out legislative and regulatory policy recommendations for the EU regulatory framework on disinformation during elections. And to reiterate, of particular note is that this Final Report has set out policy options and recommendations with explicit regard to Article 91 DSA, which contains an obligation on the European Commission to review and evaluate several aspects of the DSA.³⁰² As mentioned, the Commission is required to evaluate the DSA and report to the European Parliament, the Council and the European Economic and Social Committee.³⁰³ Our recommendations build explicitly on these review requirements, and are summarised below.

First, considering the definition of disinformation, and the implications of this for how community-governed platforms tackle election disinformation, there are certain recommendations that can be made around the definition of the disinformation. In the first instance, the European Commission, and national Digital Services Coordinators, need to be cognisant that the notion of disinformation is actually captured under certain EU member state legislation, and can qualify as “illegal content” under Article 3 DSA.³⁰⁴ Research has documented the growing criminalisation of disinformation at an EU member-state level,³⁰⁵ and this needs to be squared with the current categorisation of disinformation as merely “harmful content”.³⁰⁶ Further, the European Commission should also update on how it views criminal laws on disinformation: the Commission has previously warned about how “several” Member States had criminal laws “related to disinformation”, and such laws which define these crimes in “too broad terms” and “disproportionate penalties” can to “self-censorship”, and raise “particular concerns” as regards freedom of expression.³⁰⁷ And finally, in relation to specific obligations under the DSA, it should be emphasised that there is no specific provision in the DSA requiring online platforms, including community-governed platforms, such as Wikipedia, to remove or prohibit election disinformation. However, where election disinformation qualifies as illegal content under EU member state legislation, the DSA does contain provisions (e.g., Article 9),

³⁰² Article 91 DSA.

³⁰³ Article 92 DSA.

³⁰⁴ For the definition of illegal content under the DSA, see Article 3(h) DSA (“any information that, in itself or in relation to an activity, including the sale of products or the provision of services, is not in compliance with Union law or the law of any Member State...”).

³⁰⁵ See also, Konrad Bleyer-Simon and Urbano Reviglio, *Defining Disinformation across EU and VLOP Policies* (European Digital Media Observatory, 2024), <https://edmo.eu/publications/defining-disinformation-across-eu-and-vlop-policies/>.

³⁰⁶ 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), art. 19.

³⁰⁷ European Commission, *Joint Communication on Tackling COVID-19 disinformation - Getting the facts right*, JOIN(2020) 8 final, 10 June 2020, <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52020JC0008>.

where platforms may be ordered to remove certain illegal content. In this regard, VLOPs, including the Wikimedia Foundation, have reported being subject to Article 9 orders and Article 16 notices under national laws applicable to disinformation.³⁰⁸ Again, the Commission needs to address how disinformation can be still classed as only harmful content, and the implications of the DSA facilitating the removal of disinformation classed as illegal content under national laws.

The second major issue under consideration for recommendations was the capturing of Wikipedia by the DSA, as well as its classification as a VLOP. Here, it is recommended that in its review of the DSA, the European Commission should consider whether the definition of online platform should be reviewed to exclude those platforms which do not operate on the basis of personal-data collection and -monetisation, algorithmic systems, advertising, and personalisation; and whether an encyclopaedia exception should be included.

The third point considered is that, as Wikipedia qualifies as an online platform under the DSA, it is subject to the obligations set out in Articles 9 and 16 of the DSA, as well as national legislation on disinformation and associated concerns regarding freedom of expression. These issues would not apply if Wikipedia did not qualify as an online platform. In its review of Articles 9 and 16 of the DSA, it is recommended the European Commission examine whether these provisions are being operationalised under national laws on disinformation and false information, whether this was intended by the Commission and whether it raises serious concerns relating to freedom of expression under Article 10 ECHR.

Fourth, without VLOP designation, the regulatory burden on a community-governed platform like Wikipedia could be considerably lighter under the DSA. There is an argument that Wikipedia should not, in principle, be considered a VLOP, although adopting this approach would require a rethink of the underlying approach to VLOP designation set out in the DSA; although the Article 91 DSA review procedure does allow for such reform. The topic of VLOP designation raises the broader question of whether retaining a fixed threshold of 45 million users as the primary trigger for enhanced obligations is the most appropriate approach, or whether a more risk-sensitive designation model would better capture meaningful differences in platform risk profiles, particularly in cases where large reach does not necessarily correspond to high levels of systemic risk, as is arguably the case for Wikipedia. This Final Report recommends that the European Commission consider whether the sole designation criterion for VLOP status should be “number of average monthly active recipients” should be retained, or a more sophisticated set of criteria linked in risk; or providing an exemption from reporting or auditing requirements. Additionally, the DSA framework raises questions regarding the

³⁰⁸ See those mentioned in R. O Fathaigh, D. Buijs, and J. van Hoboken, “The Regulation of Disinformation Under the Digital Services Act” (2025) 13 *Media and Communication* 1, at 4.

conditions under which a platform may be de-designated from the VLOP category. This Final Report thus recommends that consideration should also be given to the development of a methodology for de-designating VLOPs.

Fifth, relating to the question of VLOP regulatory costs and supervisory fees, this Final Report recommends that the Commission explicitly recognise non-profit and non-governmental organisations in how it approaches the DSA's supervisory fee.

Sixth, regarding the application of the DSA to community-governed platforms and the specific questions about how responsibility is allocated between service providers and decentralised user communities it raises, this Final Report's recommendation is that there should be clearer clarification of this distinction through future legislation or guidance from the Commission. Additionally, when assessing the DSA's operation with regard to Wikipedia, the Commission should examine whether the yearly risk assessment and auditing, and the audit implementation mechanism, could disproportionately affect Wikipedia's arguably low-risk, community-governed platform model.

Seventh, relating to the question whether the DSA's risk-based approach is sufficient to protect elections across the entire EU from disinformation, this Final Report's recommendation is that the requirement in Article 34 of DSA should be strengthened. Although it does explicitly mention consideration of Member States and linguistic aspects, stating that "the assessment shall take into account specific regional or linguistic aspects, including when specific to a Member State",³⁰⁹ the question still remains as to whether this is sufficient.

Eighth, regarding the concern that the European Commission, acting as the central regulator of VLOPs under the DSA, may be subject to political pressure in sensitive areas such as disinformation and elections, the recommendation of this Final Report would be to ensure that the enforcement function under the DSA is well insulated from political pressure. Academic commentary has generally gained ground in favour of this idea, with potential solutions including the strengthening of institutional safeguards within the European Commission through the potential designation of a new body, or responsibility being returned to the Member State level.³¹⁰ In addition, it is recommended that structures should be put in place to prevent the risk-based approach of the DSA from being used for content-based regulation, similar to what appears to have happened in the Breton example; and to ensure that ECHR principles on regulatory activity are followed.

³⁰⁹ Article 34(2) DSA

³¹⁰ Already similarly argued in: Harfst, Jan-Ole, Mast, Tobias; Schulz, Wolfgang: Independence as a Desideratum: DSA Enforcement by the EU Commission, *VerfBlog*, 2025/7/16, <https://verfassungsblog.de/dsa-enforcement-commission/>.

Ninth, concerning the extent of transparency surrounding the Commission's DSA enforcement, this Final Report recommends the European Commission to apply a presumption favouring disclosure in its regulatory activity under the DSA, particularly with regard to the regulation of election disinformation. This would take effect at several levels, including the publication of preliminary proceedings documents, as well as decisions.

Tenth, this Final Report recommends that arguments for Wikipedia joining the Code of Conduct on Disinformation may not outweigh the arguments against, especially given Wikipedia's transparent systems. An additional recommendation would be related to how the Code may also be considered the only piece of the EU regulatory framework that places an obligation on its signatories to remove disinformation, and as such, it is the most in tension with Article 10 ECHR. This Final Report would recommend that the Commission review specifically Measure 14.2 of the Code, and whether it is consistent with freedom of expression.

Eleventh, with regard to the next Guidelines iteration, consideration should be given to Wikipedia's governance model, as well as to the findings set out in this and our previous reports. The Guidelines should be written with Wikipedia in mind, while also benefiting from the valuable insights that Wikipedia can provide based on its existing structures in the context of election disinformation.

This Final Report has also discussed how policy may be informed by the Wikipedia model. Notably, Wikipedia community moderation and governance model, coupled with core content policies (e.g Neutral Point of View, Verifiability, No Original Research) provide a major bulwark against disinformation and support the aim of providing accurate, reliable, and unbiased information. And this Final Report has discussed several relevant aspects of how these features might be able to inform policymaking on election disinformation, which are summarised below:

First, further strengthening of the election-disinformation risk-mitigation measures under Section 3.2.1 can be achieved by utilising Wikipedia's procedures for deprecating sources.³¹¹ These are the specific mitigation measures of the Commission Guidelines for the mitigation of systemic risks for electoral processes. The model of Wikipedia's deprecated and non-deprecated sources could thus be an important tool to implement in the broader ecosystem to "help users assess the trustworthiness of information sources" with a focus on the "integrity of the source" based on "transparent methodologies".

Second, it is recommended that Wikipedia's mechanism for alerting users to issues of neutrality can be used to further strengthen election disinformation risk mitigation measures and to alert

³¹¹ 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,

users to biased or partisan political opinions about a political party, event, person or government that are presented as fact.³¹² Thus, using Wikipedia's model of political information neutrality could be an important tool to implement in the broader ecosystem to protect political debate online.

Third, Wikipedia's content rules, particularly its application of core policies to biographies of living persons, demonstrate how treating information about politicians and political figures with heightened care can prevent election-related disinformation and provide insights for broader regulation of the online environment. In this regard, it is recommended as a potential policy option that Wikipedia articles on politicians and political figures could be categorised as "authoritative information on the electoral process" and made prominent and easily accessible across the online election-related ecosystem, thereby building on the Commission's Election Guidelines.

Fourth, Wikipedia's patrolling system, which includes the Recent Changes Patrol and the Recent Changes list showing all live edits made to Wikipedia articles,³¹³ offers a notable example of how accountability and transparency can be operationalised through community-based oversight. The concept of establishing patrols for political and election-related pages informs the broader online information ecosystem, showcasing how targeted monitoring can help to prevent the dissemination of election-related disinformation.

Fifth, in addition to the Recent Changes mechanism, the Arbitration Committee's activities demonstrate that transparent and accessible decision-making is integral to Wikipedia's governance processes. Here, in terms of other broader policy learnings relating to the Digital Services Act, the obligations relating to statements of reasons and appeals mechanisms are relevant.³¹⁴ Wikipedia's transparent approach to content moderation could arguably offer valuable insights in this regard. While Article 17 DSA requires online platforms to provide a statement of reasons for each restriction of content, the statements currently issued by VLOPS have been criticised for being quite superficial.³¹⁵ Similarly, the DSA's out-of-court dispute settlement mechanisms have been criticised due to a lack of transparency, with many decisions

³¹² 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,

³¹³ 'Recent Changes - Wikipedia', <https://en.wikipedia.org/wiki/Special:RecentChanges>.

³¹⁴ See: Article 17 and Article 20 DSA

³¹⁵ See: Rishabh Kaushal and others, 'Automated Transparency: A Legal and Empirical Analysis of the Digital Services Act Transparency Database', *Proceedings of the 2024 ACM Conference on Fairness, Accountability, and Transparency* (Association for Computing Machinery 2024), <https://dl.acm.org/doi/10.1145/3630106.3658960> and Charis Papaevangelou and Fabio Votta, 'Trading Nuance for Scale? Platform Observability and Content Governance under the DSA' (17 September 2025), <https://policyreview.info/articles/analysis/platform-observability-and-content-governance>.

not publicly available.³¹⁶ By contrast, Wikipedia, by integrating openness into its moderation structure, making every editorial action public and accessible, and addressing disputes through open discussion (and, where necessary, through (also publicly-available) arbitration), makes transparent moderation an ongoing process, can offer valuable lessons relevant to the implementation of the DSA for other platforms.

Sixth, in the context of election disinformation, Wikipedia's approach to paid editing and conflict-of-interest disclosure can offer a useful point of reference, particularly in relation to informing regulation of political social media influencers. Wikipedia disclosure rules and the Conflict of Interest Noticeboard are possible models that could be built upon when regulating paid-for political messages by social media influencers during election periods. In this regard, Section 3.2.1 of the Election Guidelines (Specific mitigation measures) state that commercial VLOPs should "[p]rovide a functionality to allow influencers to declare whether the content they provide is or contains political advertising," and "[e]nsure that other recipients of the service can identify in a clear, salient and unambiguous manner and in real time".

Relating to topics of broader regulatory reform on disinformation during elections, specifically enforcement practices for regulators (both at EU and national level) and the question of how to ensure that community-governed platforms can operate in a regulatory environment where there are no disproportionate regulatory constraints in providing an online environment to promote election-related freedom of expression this Final Report makes the following recommendations.

Seventh, with regard to transparency surrounding exercises, this Final Report recommends that, to ensure the effective application of the DSA, greater transparency on these matters would in general be beneficial. This would be particularly helpful for community-governed platforms, which would benefit from greater clarity on how they are expected to fit within these coordination mechanisms. In addition, the Commission has published an elections toolkit for DSCs, which are national regulators, providing details on the practical application of the DSA Election Guidelines during electoral processes. These however do not address the transparency issues outlined above. Therefore, it is recommended that the toolkit be updated to include greater transparency and documentation, with the involvement of community-governed platforms.

Eighth, regarding the oversight of Article 9 and Article 10 DSA and Member State regulators, a main recommendation for policy-makers is ensuring that the community-governed model of platform governance is not subject to a chilling effect by regulatory enforcement of the DSA, especially in relation to the regulatory impact of Article 34 and 35 DSA. In particular, freedom

³¹⁶ Article 21 DSA, and see for an example of an overview of cases from such a body: <https://www.appealscentre.eu/wp-content/uploads/2025/09/Appeals-Centre-Europe-Transparency-Report.pdf>.

of expression needs to be front and centre in the application, for instance, of Article 9 orders and Article 16 notices, where Wikipedia is already receiving notices under questionable national legislation on, for example, false information.³¹⁷

Finally, these recommendations have also sought to ensure community-governed platforms can operate in a regulatory environment where there are no disproportionate regulatory constraints in facilitating an online environment designed to promote election-related freedom of expression. And it must be emphasised that any application of the DSA to a community-governed platform should be consistent with the right to freedom of expression, guaranteed under Article 10 ECHR.³¹⁸ In particular Wikipedia, as an online platform, has a specific right to freedom of expression under Article 10 ECHR. This is because the European Court of Human Rights has consistently held that freedom of expression not only protects the “content of ideas and information,” but also the “means of dissemination,” and any restriction imposed on such means “necessarily interferes with the right to receive and impart information.”³¹⁹ Crucially, the Court has held that the providers of a platform that “putting in place the means for others to impart and receive information” is a specific exercise of freedom of expression, and as such, a platform such as Wikipedia is protected by the right to freedom of expression under Article 10. This includes a platform’s “right to determine what content” to “host on its platform.”³²⁰ As such, the recommendations above seek to contribute to ensuring that the DSA does not produce a disproportionate interference with these Article 10 rights.

³¹⁷ See, Wikimedia Foundation, Transparency report - January to June 2025, EU Digital Services Act information, <https://wikimediafoundation.org/who-we-are/transparency/2025-1/eu-digital-services-act-information/>.

³¹⁸ Convention for the Protection of Human Rights and Fundamental Freedoms, 213 UNTS 221, 4 November 1950.

³¹⁹ *Cengiz and Others v. Turkey*, Application nos. 48226/10 and 14027/11, 1 December 2015, para. 56.

³²⁰ *Google LLC and Others v. Russia*, Application no. 37027/22, para. 91.

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