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Regulatory Impact of the  
**Digital Services Act** on  
Community-Governed  
Platforms



**WIKIMEDIA**  
EUROPE

# Regulatory Impact of the **Digital Services Act** on Community-Governed Platforms

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## Introduction

This Report seeks to examine the regulatory impact of the EU’s landmark Digital Services Act (DSA) on community-governed platforms,<sup>1</sup> with a particular focus on Wikipedia. It forms part of a Civitates project examining how community-led platforms can contribute to a “fairer digital space,”<sup>2</sup> with two complimentary research prongs: the first, (a) engaging in empirical research on Wikipedia’s approach to trustworthiness and polarisation, and the second, (b) legal analysis of the DSA’s regulatory impact on community-governed platforms. This Report sets out the project’s legal analysis, and is an opportune moment to examine the DSA’s regulatory impact on community-governed platforms, given that the European Commission has designated Wikipedia as a so-called Very Large Online Platform (VLOP),<sup>3</sup> under the DSA, a landmark piece of legislation designed to ensure a “safe” online environment in which “fundamental rights” are “effectively protected.”<sup>4</sup> Notably, Wikipedia is the only community-governed platform to be designated as a VLOP under the DSA, alongside the large commercial social media platforms, including TikTok, Instagram, YouTube, and X.<sup>5</sup>

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<sup>1</sup> 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, M. Husovec, *Principles of the Digital Services Act* (Oxford University Press, 2024); and J. van Hoboken et al., *Putting the DSA into Practice* (Verfassungsbooks, 2023).

<sup>2</sup> Civitates, Tech and democracy - Core support for organisations working at EU level, Grant application, p. 2.

<sup>3</sup> See, Article 33 DSA. See also, 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.

<sup>4</sup> Article 1(1), DSA.

<sup>5</sup> See, European Commission, “DSA: Very large online platforms and search engines,” <https://digital-strategy.ec.europa.eu/en/policies/dsa-vlops>.

Current legal research has mainly focused on the regulatory impact of the DSA on large commercial online platforms which operate a centralised-governed model;<sup>6</sup> and there has been less in-depth European legal analysis given to examining the regulatory impact of the DSA on (non-profit) community-governed platforms, such as Wikipedia.<sup>7</sup> This Report uses the term community-governed platforms as broadly encompassing 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; and is built upon scholarship from Grimmelman, Rozenshtein, and Seering.<sup>8</sup>

The legal analysis proceeds in four phases: first, Section 2 examines the DSA’s application to Wikipedia, in particular Wikipedia’s DSA risk assessment and mitigation reports,<sup>9</sup> audit reports,<sup>10</sup> and transparency reports,<sup>11</sup> in order to draw insights into how the community-governed platform model can inform and guide enforcement of the DSA. Section 3 then examines the enforcement of the DSA in the last 24 months, in particular by the European Commission,<sup>12</sup> and how this may impact community-governed platforms. While Section 4 then examines the international context to enforcement of the DSA, in particular current US government critique of DSA enforcement,<sup>13</sup> and how this may affect community-

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<sup>6</sup> R. Ó Fathaigh, D. Buijs, and J. van Hoboken, “The Regulation of Disinformation Under the Digital Services Act,” (2025) 13 *Media and Communication* 1.

<sup>7</sup> See, DEM-Debate (Building an enabling environment for democratic debate: Insights from community-governed platforms to cultivate a resilient election information ecosystem in Europe), a research project examining the application of the European regulatory framework on election disinformation to community-governed platforms, <https://www.ivir.nl/projects/dem-debate/>.

<sup>8</sup> J. Grimmelman, “The Virtues of Moderation” (2015) 17 *Yale Journal of Law and Technology* 42; A. Rozenshtein, “Moderating the Fediverse: Content Moderation on Distributed Social Media” (2023) *Journal of Free Speech Law* 217; 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.

<sup>9</sup> See, Article 34 (Risk assessment) and Article 35 (Mitigation of risks), DSA.

<sup>10</sup> See, Article 37, DSA.

<sup>11</sup> See, Article 42, DSA.

<sup>12</sup> See, “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>.

<sup>13</sup> See, for example, Committee on the Judiciary of the U.S. House of Representatives, *Interim Staff Report: The Foreign Censorship Threat: How the European Union’s Digital Services Act Compels Global Censorship and Infringes on American Free Speech* (2025), [https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/2025-07/DSA\\_Report%26Appendix%2807.25.25%29.pdf](https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/2025-07/DSA_Report%26Appendix%2807.25.25%29.pdf).

governed platforms under the DSA. Section 5 analyses how to promote an enabling environment for community-governed platforms to operate, and the role that the EU legislators can take in supporting the sustainability of community-led content moderation models, and lead to new policies promoting democratic participation and online accountability. Section 6 concludes.

## 1. The Digital Services Act, Wikipedia, and risk-based regulation

Before attempting to tease out the regulatory impact of the DSA on community-governed platforms, it is important to first explain the DSA's purpose, and how it applies to community-governed platforms, such as Wikipedia. And as mentioned above, the DSA's main purpose is to set out harmonised rules for a "safe" online environment, where fundamental rights are "effectively protected."<sup>14</sup> In particular, the DSA seeks to address the "dissemination of illegal content online," and the "societal risks" that the "dissemination of disinformation or other content may generate."<sup>15</sup> Crucially, the DSA sets down a whole range of new legal obligations for what are called online platforms, and it is important to note that the DSA is the first piece of EU legislation to specially define an "online platform," which is as a "hosting service that, at the request of a recipient of the service, stores and disseminates information to the public."<sup>16</sup>

The crucial part of the definition of online platform is that it is a service which "disseminates information to the public," and basically, where an online hosting service, at the request of a user, "stores" and "disseminates information to the public," it is captured by the definition of online platform. This is quite a broad definition, and is in contrast to legislation such as the EU's Digital Single Market Directive, where the definition of an "online content-sharing service provider" includes a for-profit element, and only capturing providers with "profit-making purposes."<sup>17</sup> Notably, how a platform moderates content does not play a role in the definition of an online platform. Crucially, the European Commission issued a Decision in April 2023 stating that Wikipedia was an "online platform" within the definition of the

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<sup>14</sup> Article 1(1), DSA.

<sup>15</sup> Recital 9, DSA.

<sup>16</sup> Article 3(i), DSA.

<sup>17</sup> 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).

DSA: it is a hosting service that “stores and disseminates information to the public at the request of recipients of its service,” and is “therefore an online platform within the meaning” of Article 3 DSA.<sup>18</sup>

As a consequence of Wikipedia being captured by the DSA’s definitions, it is subject to a whole plethora of legal obligations related to “illegal content” under the DSA.<sup>19</sup> This includes Article 9 DSA orders, where national judicial or “administrative” authorities can issue orders against platforms to “act against” specific content deemed “illegal content,” and the platform must respond to such orders “without undue delay.”<sup>20</sup> Relatedly, under Article 10 DSA, national judicial or “administrative” authorities can also issue orders for platforms to provide “specific information” about specific individuals users; and again, platforms must respond to such orders “without undue delay.”<sup>21</sup> Basically, Article 9 and 10 facilitate national authorities issuing orders against platforms, including Wikipedia, to remove content, or provide information on individual users.

Further, under Article 16 DSA, platforms must put in place a notice-and-action mechanism for allegedly illegal content, allowing “any individual or entity” to notify platforms of “specific items of information” that the individual or entity “considers to be illegal content.”<sup>22</sup> Platforms must process such notices “in a timely, diligent, non-arbitrary and objective manner,” and notify their decision “without undue delay.”<sup>23</sup>

Crucially, Article 16 also provides that properly-submitted notices of allegedly illegal content “shall be considered to give rise to actual knowledge or awareness” for the purposes of Article 6 DSA, which protects platforms from liability.<sup>24</sup> In this regard, Article 6 DSA provides that platforms “shall not be liable” for any user content, even if it is illegal, provided the platform (a) does not have “actual knowledge” of the illegal content, or (b) “upon obtaining such knowledge or awareness, acts expeditiously to remove or to disable access to the illegal

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<sup>18</sup> 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, 25 April 2023, C(2023) 2742 final, para. (1).

<sup>19</sup> 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...”).

<sup>20</sup> Article 9(1), DSA.

<sup>21</sup> Article 10(1), DSA.

<sup>22</sup> Article 16(1), DSA.

<sup>23</sup> Article 16(5), DSA.

<sup>24</sup> Article 16(3), DSA.

content.”<sup>25</sup> And under Article 22 DSA, platforms must put in place “technical and organisational measures” to ensure that notices submitted by “trusted flaggers” are given “priority” and are processed and decided upon “without undue delay.”<sup>26</sup>

At this point it should be noted that European human rights and free expression NGOs have criticised various mechanisms in the DSA, especially Article 16 DSA, which “effectively empowers hosting providers to make decisions about the legality of content,” and there is “a strong incentive to remove content upon notice.”<sup>27</sup> This criticism of the DSA is important to consider when assessing the application of the DSA to community-governed platforms. Indeed, current U.S. government critiques of the DSA does not mean that the DSA should not be subject to critical assessment, as aspects of the DSA have been consistently critiqued by various free expression and human rights NGOs.

In addition to the above obligations placed on online platforms, what is quite noteworthy about the DSA is that it places certain special additional obligations on what are called Very Large Online Platforms (VLOPs).<sup>28</sup> It is the European Commission that can designate certain platforms as VLOPs, and basically, VLOPs are subject to special rules under Article 34 and 35 DSA where they must mitigate any “systemic risks” stemming from their platforms.<sup>29</sup> Under Article 33, a VLOP is an online platform with a “number of average monthly active recipients of the service in the Union equal to or higher than 45 million.”<sup>30</sup> And in late 2023, the European Commission designated the first tranche of VLOPs, which included the major commercial social media platforms, including Facebook, LinkedIn, Snapchat, TikTok, X, and YouTube.<sup>31</sup> Crucially, Wikipedia was also designated as a VLOP. It is the only community-governed platform designated under the DSA, and the only non-commercial platform. A further notable point from the designation is that the Commission held that the

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<sup>25</sup> Article 6(1), DSA.

<sup>26</sup> Article 22(1), DSA.

<sup>27</sup> ARTICLE 19, “Does the EU Digital Services Act protect freedom of expression?”

<https://www.article19.org/resources/does-the-digital-services-act-protect-freedom-of-expression/>.

<sup>28</sup> See, Article 33, DSA.

<sup>29</sup> Article 34(1) (VLOPs shall “assess any systemic risks in the Union stemming from the design or functioning of their service and its related systems, including algorithmic systems, or from the use made of their services”).

<sup>30</sup> Article 33(1), DSA.

<sup>31</sup> European Commission, “Designation decisions for the first set of Very Large Online Platforms (VLOPs) and Very Large Online Search Engines (VLOSEs),” 20 December 2023, <https://digital-strategy.ec.europa.eu/en/library/designation-decisions-first-set-very-large-online-platforms-vlops-and-very-large-online-search>.

Wikimedia Foundation Inc. is the “legal entity” which “alone operates” Wikipedia, and as such, the VLOP designation Decision was addressed to the Wikimedia Foundation Inc.<sup>32</sup> This dynamic between the Wikimedia Foundation, Wikipedia, and Wikipedia’s volunteer community is an important aspect to consider when analysing the DSA’s regulatory impact.

A major consequence of Wikipedia’s designation as a VLOP is that under Article 34 DSA, it must identify, analyse and assess any “systemic risks” in the EU stemming from the “design or functioning of their service and its related systems,” or from the “use made of their services.”<sup>33</sup> And following this risk identification, under Article 35, VLOPs must then put in place “mitigation measures,” tailored to the specific systemic risks identified.<sup>34</sup> Crucially, in addition to carrying out the risk assessment, and implementing mitigation measures, under Article 34 and 35 DSA, VLOPs (including Wikipedia) are subject, “at their own expense and at least once a year,” to “independent audits” to “assess compliance” with the obligations under Article 34 and 35.<sup>35</sup> The auditor then issues a report, with an audit opinion on whether the VLOP “complied the obligations” under the DSA, including Article 34 and 35, with a possible rating of “positive”, “positive with comments”, or “negative.”<sup>36</sup>

Notably, in late 2024, the Wikimedia Foundation published its first DSA risk assessment,<sup>37</sup> which set out “the Wikimedia Foundation’s assessment of systemic risks linked to the use of Wikipedia in the EU,” and “require[d] the Foundation (as the hosting provider of Wikipedia) to not only assess risks, but also determine what risk mitigations are appropriate.”<sup>38</sup> Further, the first independent audit report,<sup>39</sup> and audit implementation report,<sup>40</sup> were published in in late 2024. In addition, in late 2025, the Wikimedia Foundation published its second risk

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<sup>32</sup> 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, 25 April 2023, C(2023) 2742 final.

<sup>33</sup> Article 34(1), DSA.

<sup>34</sup> Article 35(1), DSA.

<sup>35</sup> Article 37(1), DSA.

<sup>36</sup> Article 37(4), DSA.

<sup>37</sup> 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).

<sup>38</sup> Wikimedia Foundation, “2023 EU Systemic Risk Assessment - Cover note,” 31 August 2023, [https://upload.wikimedia.org/wikipedia/foundation/5/5a/Wikipedia\\_DSA\\_SRA\\_submission\\_cover\\_note\\_31Aug2023.pdf](https://upload.wikimedia.org/wikipedia/foundation/5/5a/Wikipedia_DSA_SRA_submission_cover_note_31Aug2023.pdf).

<sup>39</sup> Wikimedia Foundation, “Wikipedia DSA Audit Report 2023-24 Public.pdf,” [https://foundation.wikimedia.org/wiki/File:Wikipedia\\_DSA\\_Audit\\_Report\\_2023-24\\_Public.pdf](https://foundation.wikimedia.org/wiki/File:Wikipedia_DSA_Audit_Report_2023-24_Public.pdf).

<sup>40</sup> 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](https://foundation.wikimedia.org/wiki/File:Wikipedia_DSA_Audit_Implementation_Report_2023-24_Public.pdf).

assessment,<sup>41</sup> independent audit report, and audit implementation report.<sup>42</sup> Current legal research on the first and second round of DSA risk assessments and audit reports has mainly focused on large commercial online platforms, and there has been considerable critique of both the risk assessments and audits.<sup>43</sup> However, there has been less of a focus on the Wikipedia risk assessments and audit reports, and it is to these that we now turn.

The first point to note about the Wikipedia risk assessment is how it sets out the relationship between Wikipedia, the Wikimedia Foundation, and the community of Wikipedia volunteers. Notably, it is the Wikimedia Foundation that conducts the risk assessment, and the risk assessment sets out the Wikimedia Foundation’s “assessment of systemic risks linked to the use of Wikipedia in the EU”, and “also determine what risk mitigations are appropriate.”<sup>44</sup> Thus, the Wikimedia Foundation frames the risk assessment procedure as what it considers to be the risks stemming from Wikipedia, and what risk mitigation measures the Wikimedia Foundation considers should be put in place. Of particular importance is that the Wikimedia Foundation stated it “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).”<sup>45</sup>

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<sup>41</sup> Wikimedia Foundation, “WMF 24-25 Wikipedia EU DSA Systemic Risk Assessment.zip,”

[https://foundation.wikimedia.org/wiki/File:WMF\\_24-25\\_Wikipedia\\_EU\\_DSA\\_Systemic\\_Risk\\_Assessment.zip](https://foundation.wikimedia.org/wiki/File:WMF_24-25_Wikipedia_EU_DSA_Systemic_Risk_Assessment.zip).

<sup>42</sup> Wikimedia Foundation, “Wikipedia DSA Audit Report 2024-25 Public.pdf,”

[https://foundation.wikimedia.org/wiki/File:Wikipedia\\_DSA\\_Audit\\_Report\\_2024-25\\_Public.pdf](https://foundation.wikimedia.org/wiki/File:Wikipedia_DSA_Audit_Report_2024-25_Public.pdf); and

Wikimedia Foundation, “Wikipedia 2024-25 DSA Audit Implementation Report - Public.pdf,”

[https://foundation.wikimedia.org/wiki/File:Wikipedia\\_2024-25\\_DSA\\_Audit\\_Implementation\\_Report\\_-\\_Public.pdf](https://foundation.wikimedia.org/wiki/File:Wikipedia_2024-25_DSA_Audit_Implementation_Report_-_Public.pdf).

<sup>43</sup> See, John Albert, “DSA risk assessment reports: A guide to the first rollout and what’s next,” DSA

Observatory, 9 December 2024, <https://dsa-observatory.eu/2024/12/09/dsa-risk-assessment-reports-are-in-a-guide-to-the-first-rollout-and-whats-next/>; and Daniel Holznagel, “Shortcomings of the first DSA Audits-

and how to do better,” *DSA Observatory*, 11 June 2025,

<https://dsa-observatory.eu/2025/06/11/shortcomings-of-the-first-dsa-audits-and-how-to-do-better/>.

<sup>44</sup> Wikimedia Foundation, “2023 EU Systemic Risk Assessment - Cover note”, 31 August 2023,

[https://upload.wikimedia.org/wikipedia/foundation/5/5a/Wikipedia\\_DSA\\_SRA\\_submission\\_cover\\_note\\_31Aug2023.pdf](https://upload.wikimedia.org/wikipedia/foundation/5/5a/Wikipedia_DSA_SRA_submission_cover_note_31Aug2023.pdf).

<sup>45</sup> Wikimedia Foundation, “2023 EU Systemic Risk Assessment - Cover note”, 31 August 2023, p. 5.

Crucially, it should also be noted that in the first audit report, the auditors seemed to go along with this approach, noting 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.<sup>46</sup> In this regard, the auditors 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.”<sup>47</sup> This was so, even though the community of volunteers address the “vast majority of content and conduct issues” on Wikipedia.<sup>48</sup> Thus, the risk assessment and audits are very much focused on the Wikimedia Foundation.

The second point is the substance of Wikipedia’s first risk assessment report. As stated above, under Article 34 DSA, the Wikimedia Foundation must “assess any systemic risks in the Union stemming from the design or functioning of their service and its related systems, including algorithmic systems, or from the use made of their services.”<sup>49</sup> And once identified, “put in place reasonable, proportionate and effective mitigation measures, tailored to the specific systemic risks identified,” as required by Article 35 DSA.<sup>50</sup>

The first risk assessment contained numerous risks, namely (a) users spreading disinformation regarding civic and electoral processes on Wikipedia (b) users spreading disinformation regarding historical/geographical narratives on Wikipedia; (c) users spreading disinformation regarding scientific information and conspiracy theories; (d) harassment among the volunteer community, in terms of “user-to-user interactions on Wikipedia,” (e) users placing dangerous or harmful content on Wikipedia; (f) attacks on individuals profiled on Wikipedia; (g) users adding content on Wikipedia that depicts the sexual abuse or exploitation of a minor; (h) users adding content on Wikipedia that encourages or glorifies acts of violence ; (i) privacy risks for children who actively engage on Wikipedia; (j) an over-reliance on moderation technology on Wikipedia resulting in algorithmic reinforcement of bias; and (k) propagation of disinformation or bias due to generative AI use by volunteers.<sup>51</sup>

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<sup>46</sup> Wikimedia Foundation, “Wikipedia DSA Audit Report 2023-24 Public.pdf”, p. 9.

<sup>47</sup> Wikimedia Foundation, “Wikipedia DSA Audit Report 2023-24 Public.pdf”, p. 9.

<sup>48</sup> 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/>.

<sup>49</sup> Article 34(1), DSA.

<sup>50</sup> Article 35(1), DSA.

<sup>51</sup> Wikimedia Foundation, “WMF 23-24 approved DSA SRAM (Risk Register)”.

And in terms of mitigation measures, the Wikimedia Foundation set out a number of specific measures per risk, which revolved around measures such as (a) volunteer moderators maintaining editorial policies, and removing biased or otherwise inappropriate content in accordance with applicable Terms of Use and policies, (b) establishing various task forces (such as on disinformation), (c) developing of tools to support moderation and content-curation work by volunteers; (d) enforcement of the Universal Code of Conduct on Wikipedia; (e) the Wikimedia Foundation’s Trust & Safety staff complementing existing community processes with technical solutions; (f) removal of child sexual abuse material (CSAM) found on Wikipedia in violation of Wikimedia policies by both volunteer communities and Foundation Trust & Safety staff; (g) utilization of automated scanning of images; (h) removal of terrorist or violent extremist content on Wikipedia by both volunteer communities and Foundation Trust & Safety staff; and (i) community-developed governance policies on the use of generative AI in Wikipedia content.<sup>52</sup>

In terms of oversight of the risk assessments and risk mitigation measures, an important aspect of the DSA is that under Article 37 DSA, VLOPs are subject, at their own expense, to independent audits to assess compliance with the obligations under Article 34 and 35, in addition to numerous other articles under Chapter III DSA.<sup>53</sup> Notably, the auditors in their first audit report indicated an overall “positive with comments” audit opinion, and out of 18 provisions of the DSA audited, 11 were fully “positive,” with seven “positive with comments.”<sup>54</sup> In particular, the audit report was “positive with comments” in relation to Wikipedia’s compliance with Article 34 and 35. The audit report first noted that the Wikimedia Foundation had identified “11 systemic risks,” and moved to examine the “appropriateness” of the systemic risks identified.<sup>55</sup> The audit examined the various systemic risks, and concluded that it could attest that the Wikimedia Foundation had “appropriately” identified systemic risks, taking the “contemporary issues in online safety as well as practical considerations into account.”<sup>56</sup> The auditors also examined the mitigation measures, and were broadly positive, noting that it considered the Foundation “sufficiently identified reasonable, effective, and proportionate mitigation measures, most of which are aligned with the measures provided under Article 35 paragraph (1) for this audit term.”<sup>57</sup>

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<sup>52</sup> Wikimedia Foundation, “WMF 23-24 approved DSA SRAM (Risk Register)”.

<sup>53</sup> Article 37(1), DSA.

<sup>54</sup> Wikimedia Foundation, “Wikipedia DSA Audit Report 2023-24 Public.pdf”, pp. 10-11.

<sup>55</sup> Wikimedia Foundation, “Wikipedia DSA Audit Report 2023-24 Public.pdf”, pp. 71-72.

<sup>56</sup> Wikimedia Foundation, “Wikipedia DSA Audit Report 2023-24 Public.pdf”, pp. 78.

<sup>57</sup> Wikimedia Foundation, “Wikipedia DSA Audit Report 2023-24 Public.pdf”, pp. 94

Quite pointedly, the auditors did state that the form of the assessment put in place by the Wikimedia Foundation - DSA Risk Register - did “not fully demonstrate the information required regarding the systemic risk mitigation measures under Article 35,”<sup>58</sup> and it was “not precise in many aspects concerning how measures will be implemented or how these will affect the systemic risks they are associated with in practice.”<sup>59</sup> It also noted that the “uncertainties” and “formal misalignments” noted for the purposes of Article 35 “may have been substantial enough” to turn the audit conclusion “to negative” if the audit practice “was established by the Commission.”<sup>60</sup> Thus, despite reaching the audit conclusion of “positive with comments,” for obligations under Article 35 DSA, the auditors “strongly recommend[ed]” the Wikimedia Foundation to “further develop the DSA Risk Register in accordance with both formal and substantial requirements of Article 35.”<sup>61</sup> This sentence that if the audit practice “was established by the Commission,” the deficiencies “may have been substantial enough to turn the audit conclusion to negative,”<sup>62</sup> was quite ominous.

Then in November 2025, the Wikimedia Foundation published the second independent audit report for the period 2024-2025.<sup>63</sup> 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”.<sup>64</sup> 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.”<sup>65</sup> And of the 19 provisions audited, eight were positive, seven were “positive with comments,” and four were “negative.”<sup>66</sup> Notably, for both Article 34 and 35 DSA, the audit was negative for both of these pivotal articles of the DSA.

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<sup>58</sup> Wikimedia Foundation, “Wikipedia DSA Audit Report 2023-24 Public.pdf”, pp. 94

<sup>59</sup> Wikimedia Foundation, “Wikipedia DSA Audit Report 2023-24 Public.pdf”, pp. 94

<sup>60</sup> Wikimedia Foundation, “Wikipedia DSA Audit Report 2023-24 Public.pdf”, pp. 94.

<sup>61</sup> Wikimedia Foundation, “Wikipedia DSA Audit Report 2023-24 Public.pdf”, pp. 94

<sup>62</sup> Wikimedia Foundation, “Wikipedia DSA Audit Report 2023-24 Public.pdf”, pp. 94

<sup>63</sup> Wikimedia Foundation, “Wikipedia DSA Audit Report 2024-25 Public.pdf,”

[https://foundation.wikimedia.org/wiki/File:Wikipedia\\_DSA\\_Audit\\_Report\\_2024-25\\_Public.pdf](https://foundation.wikimedia.org/wiki/File:Wikipedia_DSA_Audit_Report_2024-25_Public.pdf).

<sup>64</sup> Wikimedia Foundation, “Wikipedia DSA Audit Report 2024-25 Public.pdf,” p. 9.

<sup>65</sup> Wikimedia Foundation, “Wikipedia DSA Audit Report 2024-25 Public.pdf,” p. 9.

<sup>66</sup> Wikimedia Foundation, “Wikipedia DSA Audit Report 2024-25 Public.pdf,” pp. 5-6.

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.”<sup>67</sup> 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.”<sup>68</sup>

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.”<sup>69</sup> 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 “most” of the measures identified and considered appropriate in the previous

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<sup>67</sup> Wikimedia Foundation, “Wikipedia DSA Audit Report 2024-25 Public.pdf,” p. 84.

<sup>68</sup> Wikimedia Foundation, “Wikipedia DSA Audit Report 2024-25 Public.pdf,” p. 85.

<sup>69</sup> 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](https://upload.wikimedia.org/wikipedia/foundation/7/78/Wikipedia_2024-25_DSA_Audit_Implementation_Report_-_Public.pdf).

audit term “may, in principle, be considered as such in the current audit term as well.”<sup>70</sup> 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.”<sup>71</sup>

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.”<sup>72</sup> 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,”<sup>73</sup> 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.<sup>74</sup>

Thus, Wikipedia went from the only VLOP that was “fully compliant” under an auditing process in 2024,<sup>75</sup> to receiving an “overall audit opinion for compliance” that was “Negative” in 2025.<sup>76</sup> This raises an overall 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

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<sup>71</sup> Wikimedia Foundation, “Audit Implementation Report of the Wikimedia Foundation, Inc. in respect of Wikipedia, for the period 2024-2025,” p. 21, p. 99.

<sup>72</sup> Wikimedia Foundation, “Audit Implementation Report of the Wikimedia Foundation, Inc. in respect of Wikipedia, for the period 2024-2025,” p. 21, p. 100.

<sup>73</sup> 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](https://upload.wikimedia.org/wikipedia/foundation/7/78/Wikipedia_2024-25_DSA_Audit_Implementation_Report_-_Public.pdf).

<sup>74</sup> Wikimedia Foundation, “Audit Implementation Report of the Wikimedia Foundation, Inc. in respect of Wikipedia, for the period 2024-2025,” p. 21, p. 23.

<sup>75</sup> 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/>.

<sup>76</sup> Wikimedia Foundation, “Wikipedia DSA Audit Report 2024-25 Public.pdf,” p. 4.

a “global mission.”<sup>77</sup> 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 human resources” available to tackle “significant technical changes or upgrades than do other VLOPs.”<sup>78</sup> 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.”<sup>79</sup>

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).”<sup>80</sup>

Thus, a major question about Wikipedia under the DSA is how the auditing process will develop, and whether it will be subject to regulatory action under Article 34 and 35 DSA. Notably, under Article 56 DSA, the European Commission has “exclusive powers” to “supervise and enforce” Article 34 and 35 DSA in relation to VLOPs. And it is to this regulatory enforcement that we now turn.

## 2. DSA regulatory enforcement and community-governed platforms

The previous section sought to explain how the DSA applies to community-governed platforms, in particular the risk-based provisions Article 34 and 35, through the lens of Wikipedia as a VLOP. And a crucial follow-up focus is to examine what sort of regulatory action has been

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<sup>77</sup> Wikimedia Foundation, “Audit Implementation Report of the Wikimedia Foundation, Inc. in respect of Wikipedia, for the period 2024-2025,” p. 27.

<sup>78</sup> 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](https://upload.wikimedia.org/wikipedia/foundation/a/a6/Wikipedia_DSA_SRAM_submission_cover_note_09Sept2025.pdf).

<sup>79</sup> Wikimedia Foundation, “2025 EU Systemic Risk Assessment - Cover note, 9 September 2025.

<sup>80</sup> Wikimedia Foundation, “2025 EU Systemic Risk Assessment - Cover note, 9 September 2025.

taken under the DSA targeting VLOPs, and whether regulatory action has been directed at Wikipedia under the DSA. As such, the legal research examined the enforcement of the DSA in the last 24 months, in particular by the European Commission, and how this may impact community-governed platforms.

And an initial point to note is that scholars have commented on the somewhat vague nature of the DSA's Article 34 and 35 systemic risk provisions,<sup>81</sup> and the lack of specifics in terms of how various risks should be mitigated. And coupled with this vagueness, the DSA is a relatively new piece of legislation, with little guidance yet on how Article 34 and 45 will be applied. However, there has been regulatory activity pursuant to Article 34 and 35 by the European Commission, which can be helpful for informing how Article 34 and 35 will be applied in practice.

For example, in 2024, during the presidential and parliamentary elections in Romania, the European Commission issued a landmark order under the Digital Services Act against TikTok, ordering the platform to “freeze and preserve data” related to “systemic risks its service could pose on electoral processes and civic discourse in the EU” from 24 November 2024 to 31 March 2025.<sup>82</sup> The Commission noted that it had received information “pointing to foreign interference from Russia” in the Romanian presidential elections, and the European Digital Media Observatory had “identified several disinformation narratives and tactics such as violation of electoral law, unmarked political content (including through influencers) and suspicion of coordinated inauthentic behaviour”.<sup>83</sup> Indeed, on 17 December 2024, the European Commission opened formal proceedings against TikTok for a “suspected breach” of the DSA, for failing to “properly assess and mitigate systemic risks linked to election integrity, notably in the context of the recent Romanian presidential elections on 24 November [2024]”.<sup>84</sup> The European Commission President stated that “following serious indications that foreign actors interfered in the Romanian presidential elections by using TikTok.”<sup>85</sup> Notably, little has been published by the European Commission in these proceedings, beyond short press releases.

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<sup>81</sup> See, for example, D Sullivan and J. Pielemeier, “Unpacking “Systemic Risk” Under the EU’s Digital Service Act,” Tech Policy Press, 19 July 2023,

<https://www.techpolicy.press/unpacking-systemic-risk-under-the-eus-digital-service-act/>.

<sup>82</sup> See, European Commission, “Commission, online platforms and civil society increase monitoring during Romanian elections”, 5 December 2024, [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_24\\_6243](https://ec.europa.eu/commission/presscorner/detail/en/ip_24_6243).

<sup>83</sup> See, European Commission, “Commission, online platforms and civil society increase monitoring during Romanian elections”, 5 December 2024, [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_24\\_6243](https://ec.europa.eu/commission/presscorner/detail/en/ip_24_6243).

<sup>84</sup> See, Commission opens formal proceedings against TikTok on election risks under the Digital Services Act, 17 December 2024, [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_24\\_6487](https://ec.europa.eu/commission/presscorner/detail/en/ip_24_6487).

<sup>85</sup> See, Commission opens formal proceedings against TikTok on election risks under the Digital Services Act, 17 December 2024, [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_24\\_6487](https://ec.europa.eu/commission/presscorner/detail/en/ip_24_6487).

The further point to note is that the Commission is granted extensive powers under the DSA, including the power to submit a request for information to demand information from VLOPs relating to a “suspected infringement,” where VLOPs can be fined for providing “incorrect, incomplete or misleading information.”<sup>86</sup> Indeed, the Commission sent a request for information (RFI) under the DSA to TikTok, asking for more information on how TikTok manages the risk of information manipulation.<sup>87</sup> This RFI followed an earlier request, regarding the design and functioning of recommender systems in relation to elections, which was sent to TikTok, as well as to Snapchat and YouTube.<sup>88</sup> Within the course of these proceedings, the Commission issued a retention order against X in January 2025. This order applied during the German elections and required X to preserve internal documents and information regarding future changes to the design and functioning of its recommender algorithms, for the period between 17 January 2025 and 31 December 2025,<sup>89</sup> which would apply during the German elections.

The third point is that since the DSA’s entry into force, of the 23 VLOPs, the only VLOP not to have had any form of enforcement action taken against it by the European Commission has been Wikipedia.<sup>90</sup>

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.”<sup>91</sup> 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.<sup>92</sup>

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<sup>86</sup> Article 67(1), DSA.

<sup>87</sup> ‘Commission Sends Additional Request for Information to TikTok under the Digital Services Act | Shaping Europe’s Digital Future’

<sup>88</sup> Commission Sends Requests for Information to YouTube, Snapchat, and TikTok on Recommender Systems under the Digital Services Act | Shaping Europe’s Digital Future’

<sup>89</sup> European Commission, “Commission addresses additional investigatory measures to X in the ongoing proceedings under the Digital Services Act”, 17 January 2025, <https://digital-strategy.ec.europa.eu/en/news/commission-addresses-additional-investigatory-measures-x-ongoing-proceedings-under-digital-services>.

<sup>90</sup> Wikimedia Foundation, “Wikipedia DSA Audit Report 2023-24 Public.pdf”, pp. 94

<sup>91</sup> 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.

<sup>92</sup> 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.”<sup>93</sup> 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.”<sup>94</sup>

### 3. International context to DSA regulatory enforcement

Having looked at the regulatory activity by the European Commission under the DSA, the third part of the legal research was to examine the international context to enforcement of the DSA, in particular current U.S. government critique of DSA enforcement, and how this may affect community-governed platforms under the DSA. Notably, 2025 was marked by two significant developments in relation to the DSA, and Wikipedia.

First, during 2025, U.S. government policy in relation to the DSA has become quite pronounced and critical. For example, in February 2025, the Chairman of the Federal Communication Commission (FCC) issued a letter to a number of U.S.-headquartered VLOPs, stating that the DSA required VLOPs to “censor content in violation of free speech principles,” and described the EU Code of Conduct on Disinformation as “Orwellian measures”.<sup>95</sup> Notably, the FCC invited various VLOPs, including the Wikimedia Foundation, for briefings over how these VLOPs were “planning on reconciling the DSA with America’s free speech tradition,” and the “predicament” that violating the DSA would “risk European regulators imposing exorbitant fines of up to six percent of [VLOPs’] annual revenue”.<sup>96</sup> The FCC suggested “geofencing” the EU may be a possible mitigating option to be implemented for these VLOPs.<sup>97</sup>

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<sup>93</sup> R. Griffin, “Codes of Conduct in the Digital Services Act,” (2024) *Technology and Regulation* 167, p. 176.

<sup>94</sup> *Google LLC and Others v. Russia*, Application no. 37027/22, 8 July 2025, para. 106.

<sup>95</sup> Federal Communications Commission, Letter to Mr. Sundar Pichat et al., 26 February 2025, p. 2., <https://www.fcc.gov/sites/default/files/Chairman-Letter-to-Big-Tech-on-Digital-Services-Act.pdf>.

<sup>96</sup> Federal Communications Commission, Letter to Mr. Sundar Pichat et al., 26 February 2025, p. 2.

<sup>97</sup> Federal Communications Commission, Letter to Mr. Sundar Pichat et al., 26 February 2025, p. 2.

Indeed, in July 2025, the Committee on the Judiciary of the U.S. House of Representatives issued a highly critical 145-page Report on the Digital Services Act, describing it as the “EU’s comprehensive digital censorship law.”<sup>98</sup> It argued that EU member states and the EU “weaponize” the term “disinformation” to “censor their political opponents and criticism from their constituents.”<sup>99</sup> Notably, the report also singled out the EU Code of Conduct on Disinformation as an “additional censorship obligation”.<sup>100</sup> As such, this new U.S. government policy of criticism of the DSA is an important broader context when analysing the application of European regulation going forward; including any U.S. government pressure on VLOPs over DSA (non) compliance.

And the second point is that not only has the current U.S. administration taken a harsh line on the DSA, it has also targeted Wikipedia and Wikimedia Foundation in various respects. Indeed, in 2025, the current U.S. government policy has also been increasingly examining the operations of Wikipedia and the Wikimedia Foundation over “disinformation.” For example, in early April 2025, the United States Attorney for the District of Columbia sent a letter to the Wikimedia Foundation, alleging that Wikipedia was “allowing foreign actors to manipulate information and spread propaganda”, and Wikipedia was “permitting information manipulation on its platform”, including in relation to rewriting of key “biographical information of current and previous American leaders.”<sup>101</sup> The Attorney General sought various information from the Wikimedia Foundation, including what mechanisms the Wikimedia Foundation had in place to “safeguard the public from the dissemination of propaganda.”<sup>102</sup>

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<sup>98</sup> Committee on the Judiciary of the US House of Representatives, Interim Staff Report: The Foreign Censorship Threat: How the European Union’s Digital Services Act Compels Global Censorship and Infringes on American Free Speech (2025), p. 1,

[https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/2025-07/DSA\\_Report%26Appendix%2807.25.25%29.pdf](https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/2025-07/DSA_Report%26Appendix%2807.25.25%29.pdf).

<sup>99</sup> Committee on the Judiciary of the US House of Representatives, Interim Staff Report: The Foreign Censorship Threat: How the European Union’s Digital Services Act Compels Global Censorship and Infringes on American Free Speech (2025), p. 1.

<sup>100</sup> Committee on the Judiciary of the US House of Representatives, Interim Staff Report: The Foreign Censorship Threat: How the European Union’s Digital Services Act Compels Global Censorship and Infringes on American Free Speech (2025), p. 3.

<sup>101</sup> United States Attorney for the District of Columbia, Letter to Wikipedia Foundation, Inc. AKA Wikipedia, 24 April 2025, [https://upload.wikimedia.org/wikipedia/commons/e/e0/Letter\\_from\\_interim\\_US\\_attorney\\_for\\_DC\\_Ed\\_Martin\\_to\\_Wikimedia\\_Foundation\\_2025.pdf](https://upload.wikimedia.org/wikipedia/commons/e/e0/Letter_from_interim_US_attorney_for_DC_Ed_Martin_to_Wikimedia_Foundation_2025.pdf).

<sup>102</sup> United States Attorney for the District of Columbia, Letter to Wikipedia Foundation, Inc. AKA Wikipedia, 24 April 2025, p. 2.

Then in late April 2025, a number of members of the U.S. Congress also sent a letter to the Wikimedia Foundation, communicating concern over “potential abuse of Wikipedia by coordinated actors,” and alleging “deliberate effort to inject antisemitic bias and propaganda, raising concerns that some of these editors may be pro-Hamas or even acting on behalf of foreign state actors.”<sup>103</sup> The U.S. Congress members sought various documents from the Wikimedia Foundation, including “[w]hat safeguards are in place to prevent coordinated editing campaigns by foreign actors, and how does Wikipedia detect and mitigate disinformation sponsored by state and nonstate actors,”<sup>104</sup> and how does Wikipedia “verify the identities and affiliations of editors,” including those making “frequent or high-impact edits on politically sensitive topics,” to ensure that “foreign adversaries are not abusing the platform to spread misinformation or propaganda.”<sup>105</sup>

Indeed, in late August 2025, the Committee on Oversight and Government Reform of the U.S. House of Representatives announced that it was investigating Wikipedia over “organized efforts,” undertaken in “violation of Wikipedia platform rules,” to “influence U.S. public opinion” on “important and sensitive topics” by “manipulating Wikipedia articles.”<sup>106</sup> This included efforts to “manipulate information” on Wikipedia for “propaganda” aimed at Western audiences.<sup>107</sup> The Committee sought “documents and communications” regarding “individuals (or specific accounts) serving as Wikipedia volunteer editors” who “violated Wikipedia platform policies”, including “[r]ecords, communications, or analysis pertaining to possible coordination by nation state actors in editing activities on Wikipedia,” and “[r]ecords showing identifying and unique characteristics of accounts (such as names, IP addresses, registration dates, user activity logs) for [certain] editors.”<sup>108</sup> While, in early October 2025, the Chairman

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<sup>103</sup> Letter from Debbie Wasserman Schultz, Member of US Congress, et al., to Maryana Iskander, 30 April 2025, [https://wassermanschultz.house.gov/uploadedfiles/final\\_letter\\_to\\_wikimedia\\_foundation\\_may.pdf](https://wassermanschultz.house.gov/uploadedfiles/final_letter_to_wikimedia_foundation_may.pdf).

<sup>104</sup> Letter from Debbie Wasserman Schultz, Member of US Congress, et al., to Maryana Iskander, 30 April 2025, p.1.

<sup>105</sup> Letter from Debbie Wasserman Schultz, Member of US Congress, et al., to Maryana Iskander, 30 April 2025, p. 2.

<sup>106</sup> House Committee on Oversight and Government Reform, “Comer and Mace Investigate Efforts to Manipulate Information on Wikipedia,” 27 August 2025, <https://oversight.house.gov/release/comer-and-mace-investigate-efforts-to-manipulate-information-on-wikipedia/>.

<sup>107</sup> Committee on Oversight and Government Reform of the U.S. House of Representatives, Letter to Ms. Maryana Iskander, 27 August 2025, p. 1, <https://oversight.house.gov/wp-content/uploads/2025/08/082725-letter-to-Wikimedia.pdf>.

<sup>108</sup> Committee on Oversight and Government Reform of the U.S. House of Representatives, Letter to Ms. Maryana Iskander, 27 August 2025, p.2.

of the U.S. Senate Committee on Commerce, Science, and Transportation also sent a letter to the Wikimedia Foundation over political "ideological bias" on Wikipedia, including over certain "blacklisted" and "deprecated" sources that Wikipedia's editors have determined "promotes disinformation." The Chairman sought "all documents and communications-including emails, texts, or other digital messages - between any officer, employee, or agent of the Wikimedia Foundation and any officer, employee, or agent of the federal government since January 1, 2020."<sup>109</sup>

As such, current U.S. government scrutiny of Wikipedia and the Wikimedia Foundation rapidly intensified during 2025. And these developments do demonstrate how a government can in a sense rapidly turn against an online platform in relation to supposed disinformation, propaganda, and foreign interference. It can also be argued that it demonstrates the importance of a model of online platform regulation, which seeks to set down clear procedures which are "prescribed by law," to use the language of Article 10 ECHR's guarantee of freedom of expression.<sup>110</sup> The developments also demonstrate the importance of an independent body being the regulator in relation to VLOPs and the DSA's systemic-risk provisions relating to protecting against negative effects on "electoral processes", which may stem from the dissemination of disinformation (and insulating enforcement from member-state policies).<sup>111</sup>

This does raise a distinct issue about the independence of the European Commission, and its suitability and being insulated from political pressure. Indeed, scholars have been arguing about the Commission's current independence.<sup>112</sup> Further, independence of a regulator is also a feature of freedom of expression law in Europe, and it is to this we now turn.

## 4. Ensuring an enabling environment for community-governed platforms

The fourth part of the legal research was to examine how to ensure an enabling environment for community-governed platforms, and the role EU legislators can take in supporting the

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<sup>109</sup> U.S. Senate Committee on Commerce, Science, and Transportation, Letter to Ms. Maryana Iskander, 3 October 2025, p. 2.

<sup>110</sup> Recital 9, DSA,

<sup>111</sup> Article 34, DSA.

<sup>112</sup> See, Jan-Ole Harfst, Tobias Mast, and Wolfgang Schulz, "Independence as a Desideratum: DSA Enforcement by the EU Commission," *Verfassungsblog*, 16 July 2025, <https://verfassungsblog.de/dsa-enforcement-commission/>; and Magdalena Józwiak, "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/>.

sustainability of community-led content moderation models. And 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).<sup>113</sup> 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.”<sup>114</sup> 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.”<sup>115</sup> 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 in 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.”<sup>116</sup> This right falls within the scope of Article 10, which protects “not only the content of information but also the means of its transmission.”<sup>117</sup>

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.”<sup>118</sup> 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.”<sup>119</sup>

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<sup>113</sup> Convention for the Protection of Human Rights and Fundamental Freedoms, 213 UNTS 221, 4 November 1950.

<sup>114</sup> *Cengiz and Others v. Turkey*, Application nos. 48226/10 and 14027/11, 1 December 2015, para. 56.

<sup>115</sup> *Cengiz and Others v. Turkey*, Application nos. 48226/10 and 14027/11, 1 December 2015, para. 56.

<sup>116</sup> *Google LLC and Others v. Russia*, Application no. 37027/22, para. 91.

<sup>117</sup> *Google LLC and Others v. Russia*, Application no. 37027/22, para. 91.

<sup>118</sup> *Google LLC and Others v. Russia*, Application no. 37027/22, 8 July 2025, para. 93.

<sup>119</sup> *Europa Way S.r.l. v. Italy*, Application no. 64356/19, 27 November 2025, para. 120.

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 is a platform where editors “can share diverse viewpoints on matters of public interest.”<sup>120</sup> 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.”<sup>121</sup>

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 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 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.”<sup>122</sup> 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”.<sup>123</sup>

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. In the second part of this research, further principles will be developed for specific legislative reform.

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

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<sup>120</sup> Wikimedia Foundation v. Secretary of State for Science, Innovation and Technology [2025] EWHC 2086 (Admin), para. 17.

<sup>121</sup> Wikimedia Foundation v. Secretary of State for Science, Innovation and Technology [2025] EWHC 2086 (Admin), para. 125.

<sup>122</sup> Wikimedia Foundation v. Secretary of State for Science, Innovation and Technology [2025] EWHC 2086 (Admin), para. 2.

<sup>123</sup> Delfi AS v. Estonia, Application no. 64569/09, 16 June 2015, para. 115.

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 notices, where Wikipedia is already receiving notices under highly-questionable national legislation on, for example, false information.<sup>124</sup>

## 5. Conclusion

Following the analysis above, a number of concluding remarks can be made. First, the application of the DSA to community-governed platforms, the broad definition of online platforms, and the linking of VLOP-status to only a question of user-numbers, brings the landmark and heavy regulatory regime of the DSA to Wikipedia. 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.”<sup>125</sup> 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.<sup>126</sup> It needs to be further examined whether the regulatory approach under the DSA, and its definitions, adequately takes into account community-governed platforms, especially in its one-size-fits all and non-graduated approach not based on risk.

Second, it is imperative there be more transparency in terms of the enforcement of the DSA from the Commission, especially in how it is interpreting its power to issue retention orders, information requests, and regulatory action under various provisions of the DSA, including Article 34 and 35. This is especially important for the operation of community-governed platforms such as Wikipedia. For example, in its audit, it was recognised by the auditors “the inherent challenges [the Wikimedia Foundation] faces in precisely meeting the requirements of the DSA while maintaining its established model of decentralised community governance.”<sup>127</sup>

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<sup>124</sup> 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/>.

<sup>125</sup> 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.

<sup>126</sup> See, for example, *Delfi AS v. Estonia*, Application no. 64569/09, 16 June 2015, para. 115.

<sup>127</sup> Wikimedia Foundation, “Wikipedia DSA Audit Report 2024-25 Public.pdf,” p. 35.

Third, and arguably the crux of the application of the DSA to Wikipedia is its interference in the relationship between the Wikimedia Foundation, Wikipedia, and the volunteer Wikipedia community. This interference seems to be most pronounced currently in the auditing process, and there needs to be more clarity. There is a tension with the Wikimedia Foundation's view that it "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)."<sup>128</sup> Crucially, it should also be noted that in the first audit report, the auditors seemed to go along with this approach, noting 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.<sup>129</sup> In this regard, the auditors 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."<sup>130</sup> This was so, even though the community of volunteers address the "vast majority of content and conduct issues" on Wikipedia.<sup>131</sup>

However, in the second auditing cycle, the overall audit has gone from Wikipedia being the only VLOP that was "fully compliant" under an auditing process in 2024,<sup>132</sup> to receiving an "overall audit opinion for compliance" that was "Negative" in 2025.<sup>133</sup> Indeed, there is now disagreement with the auditors, with the Wikimedia Foundation stating 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."<sup>134</sup>

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<sup>128</sup> Wikimedia Foundation, "2023 EU Systemic Risk Assessment - Cover note", 31 August 2023, p. 5.

<sup>129</sup> Wikimedia Foundation, "Wikipedia DSA Audit Report 2023-24 Public.pdf", p. 9.

<sup>130</sup> Wikimedia Foundation, "Wikipedia DSA Audit Report 2023-24 Public.pdf", p. 9.

<sup>131</sup> 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/>.

<sup>132</sup> 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/>.

<sup>133</sup> Wikimedia Foundation, "Wikipedia DSA Audit Report 2024-25 Public.pdf," p. 4.

<sup>134</sup> 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\\_](https://upload.wikimedia.org/wikipedia/foundation/7/78/Wikipedia_2024-25_DSA_Audit_Implementation_)

Finally, and related to the above point on the proportionality of the application of the DSA, it was also emphasised above that 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 crucially, also encompasses its community-governed model. The application of DSA provisions which can create a significant impact on the community-governed model must be applied consistent with Article 10 ECHR, in particular, such application must be proportionate.

Finally, the above points will be taken into account as the Civitates project proceeds further in its analysis of the DSA's regulatory impact on community-governed platforms.



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