UNDERSTANDING SYSTEMIC RISK IN THE DIGITAL SERVICES ACT

Cross-industry convening – May 24 and 25, 2023

Objective

Risk assessment best practices and Recital 90 of the DSA highlight the importance of engaging independent experts and civil society, among others, in order to draw on the best available insights about systemic risks, online platforms, and the European context.

This discussion will inform the first DSA systemic risk assessments by facilitating stakeholder discussion on the structures and processes of risk assessments, as well as on macro questions, issues, and understandings relating to the systemic risk areas outlined in the DSA.

Context

Article 34 of the Digital Services Act (DSA) requires "very large online platforms" and "very large online search engines" to undertake systemic risk assessments of their services in the European Union. The deadline for completing systemic risk assessments is 25 August 2023.

These systemic risk assessments are required to cover four categories of systemic risk as listed in article 34 (illegal content; fundamental rights; civic discourse and public security; public health) and to consider the influence of relevant risk factors, such as recommender systems, content moderation systems, terms and conditions, advertising, and data practices.

The DSA states that systemic risk assessments should be undertaken with the involvement of independent experts and civil society organizations. The two suggested engagements described below are being organized to facilitate multi-stakeholder dialogue on key challenges, issues, and dilemmas related to systemic risk assessment under the DSA.

Logistical information

Dates for events:	24 May and 25 May, from 10am to 12.30pm Eastern Time
Co-Hosts:	Global Network Initiative (GNI) and Digital Trust and Safety Partnership (DTSP), with support from Brainbox Institute.
Format:	Virtual meetings with Q&A / participation via chat and hand raise as well as potential in meeting surveys to facilitate participation. The workshops will be held under the Chatham House Rule.

Participants:	DTSP and GNI members, with selected personal invitations to civil society experts.
Outcome:	After the event, the convenors will publish a report summarizing key topics, observations, and recommendations, consistent with the Chatham House Rule. Participants must agree to be listed, by affiliation, in the event report, which will make clear that participation does not imply endorsement of the report content.
Zoom links:	Workshop 1 and workshop 2, as well as in calendar invitations.

Preparation

Our discussion will be structured around the four kinds of systemic risk identified in article 34 of the DSA (link here).

Attendees are requested to turn their minds to the questions listed in the participant input form available here and, where possible, to record initial thoughts using that form. If you are uncomfortable using that form, you can also access an offline copy of the questions here for download.

The information you share through this form will not be attributed to you but it will inform the conduct of the workshops and the subsequent discussion summary document.

Reference material

We will circulate a document with useful reference material in the week of the workshops. You can also find a consultation copy of a briefing note from the Action Coalition on Meaningful Transparency on implementing risk assessments here.

BRAINBOX

Convening One: Systemic Risk and Fundamental Rights		
Agenda Item	**Process**	**Outcome**
Meeting Introduction *10 minutes*	- Introduction from David Sullivan, Executive Director, Digital Trust & Safety Partnership - Ground rules and introductions	Shared understanding of meeting purpose and scope
Scene Setting: Importance of stakeholder engagement *10 minutes*	- Jason Pielemeier, GNI - Marlena Wisniak, European Center for Not-for-Profit Law, and Isabel Ebert, United Nations Office of the High Commission on Human Rights, and B-Tech - Discussion and questions	Shared understanding of importance of stakeholder engagement to inform systemic risk assessments
Discussion One: What is systemic risk? How should "actual and foreseeable negative impacts" be identified? *30 minutes*	- Opening framing - Dunstan Allison-Hope, Executive Director, BSR (Business for Social Responsibility) - Facilitated discussion to identify key features that define systemic risk	Shared understanding of underlying concepts of systemic risk
Break (5 minutes)		
Discussion Two: Priority fundamental rights *75 minutes*	- Opening framing from Mathias Vermeulen, AWO (All Watched Over) - Facilitated discussion to determine which rights in the EU Charter present the greatest systemic risks vis-a-vis VLOPs and VLOSEs in the EU, and why and how.	Clarity on prioritization and drivers of systemic risks to fundamental rights
Wrap Up: Preparing for second call *10 minutes*	- Surface key observations and priorities for the Convening Two - Elonnai Hickock, Managing Director, Global Network Initiative	Set scene for second convening

Convening Two: Systemic Risk and Illegal Content, Civil Discourse, and Public Health		
Agenda Item	**Process**	**Outcome**
Meeting Introduction *10 minutes*	● Introduction from David Kaye, Chair, Global Network Initiative ● Ground rules and introductions	● Reminder of key topics from convening one and shared understanding of purpose for convening two
Discussion One: Illegal content *40 min*	● Opening framing, Robert Gorwa, WZB Berlin Social Science Center, Fellow, CDT, CIGI. ● Facilitated discussion to surface perspectives on illegal content issues of greatest systemic risk / concern for stakeholders in the EU – what impacts are most severe and why?	● Clear direction on stakeholder concerns and priorities
Discussion Two: Civic discourse and electoral processes, and public security *40 min*	● Opening framing from Ben Scott, Reset Tech. ● Facilitated discussion to surface perspectives on civic discourse and public security issues of greatest systemic risk / concern for stakeholders in the EU – what impacts are most severe and why?	● Clear direction on stakeholder concerns and priorities
Break (5 minutes)		
Discussion Three: Gender-based violence,, protection of public health and minors, serious negative consequences to physical and mental well-being *40 min*	● Opening framing from Dhanaraj Thakur, Research Director, CDT ● Facilitated discussion to surface perspectives on public health issues of greatest systemic risk / concern for stakeholders in the EU--what impacts are most severe and why?	● Clear direction on stakeholder concerns and priorities
Wrap Up: Final observations *15 minutes*	● Round-the-table observations ● Discussion on value for future engagement ● Closing remarks from Farzaneh Badiei, Head of Outreach and Engagement, Digital Trust and Safety Partnership.	● Insights for any future dialogue on systemic risk