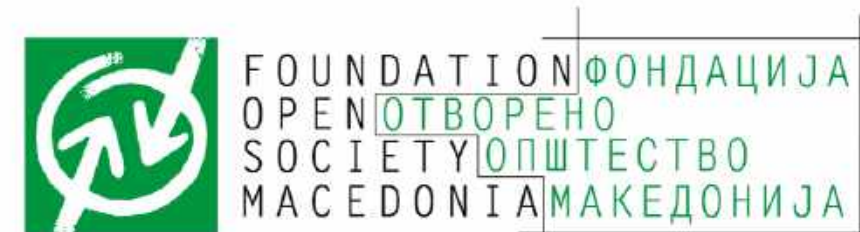




Regulation of online Platforms: EU policy and its reflection on policies in the Republic of North Macedonia



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These policy documents are developed to help the civil society organizations and, generally, the citizens, to engage in informed debate and to have access to expert knowledge, opinions and views on topics relevant for EU integrations. Areas in which the Republic of North Macedonia will lead the accession negotiations are both complex and diverse, while reforms to be taken by the country will open numerous dilemmas that require expert debates.

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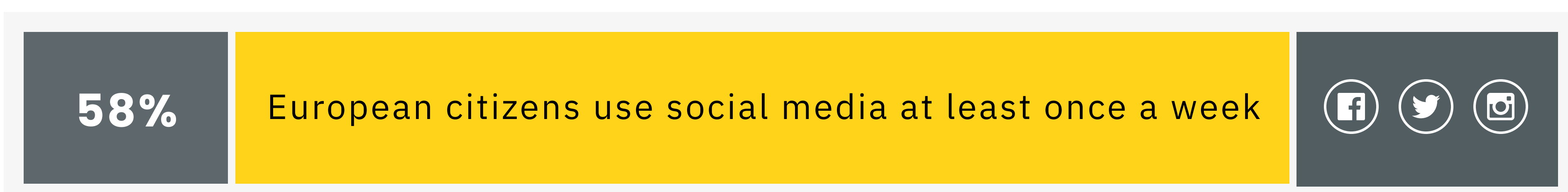
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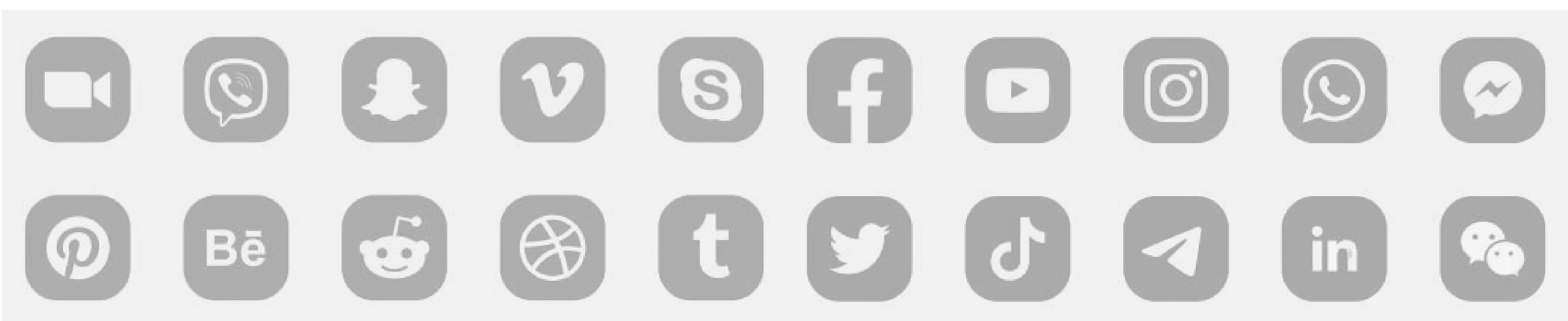
June 2020

At times when digitalization of all spheres in the society is underway with full tempo, many questions are raised about entities that hold this process, i.e. online platforms. The popularity of social networks (e.g. *Facebook*), online markets (e.g. *eBay* and *AliExpress*) and service platforms (e.g. *AirBnB*) inspired global discussions about the need for these to be regulated. Hence, discussions take place on several fronts, such as business models of platforms, business activity, market power and competition issues, especially compared to traditional entities that operate in the same sector, but also in regard to treatment of data they dispose with, their role in combating dissemination of illegal content, and many other issues whose scope increases with their evolution.

The area of operation for online platforms is exceptionally broad, while benefits they create for the economy and the society are generally indisputable. In the EU, citizens mainly use platforms for accessing certain content, especially for streaming movies or music and viewing TV content, for online purchase of goods or services and for social networking.[1]



Around 58% of European citizens use social media at least once a week.[2] Hence, online platforms emerge as intermediators of information, enable digital trade, they are drivers of digital innovation, improve consumer choice, improve industry competitiveness and effectiveness, provide easy and fast access to global markets, especially for small businesses, and enhance civil participation in society.[3]



[1] Brochure of the European Commission, “How do online platforms shape our lives and businesses?”, 2019, available at: <https://ec.europa.eu/digital-single-market/en/news/how-do-online-platforms-shape-our-lives-and-businesses-brochure>

[2] Standard Eurobarometer 88 Report, “Media use in the European Union”, November 2017, pg. 4

[3] Brochure of the European Commission, “How do online platforms shape our lives and businesses?”, 2019, available at: <https://ec.europa.eu/digital-single-market/en/news/how-do-online-platforms-shape-our-lives-and-businesses-brochure>



According to the Eurostat survey, in 2017, 47% of all businesses in the EU have used at least one type of social media to build their image and to market their products and services.[4] Moreover, 82% small and medium-sized enterprises in Europe use search engines to promote their products or services, while 1 million businesses in the EU sell goods and services via online platforms.[5] The market of online platforms is dominated by seven large platforms, five of which are from the United States (*Apple, Amazon, Microsoft, Google and Facebook*) and two from China (*Alibaba and Tencent*)[6]. Although there are more than 10,000 online platforms in the EU, most of them are start-up businesses, i.e. SMEs, with almost insignificant share on the global market.[7]

On the other hand, operation of online platforms has its negative sides as well. Namely, these entities dispose with enormous databases. Some of them dominate markets in which they are active, putting them in position to dictate unfavourable conditions for market entry by competitors. In doing that, some of them become so-called “gatekeepers” of markets in which they operate. Moreover, online platforms leave space for dissemination of illegal content related to terrorism, hate speech, child abuse, and other negative phenomena, such as fake news, cyber bullying, and the like. It should be noted that EU citizens’ trust in the internet and social networks has declined



[4] Eurostat, “Internet advertising of businesses – statistics on usage of ads”, December 2018, available at: <https://ec.europa.eu/eurostat/statistics-explained/pdfscache/54450.pdf>

[5] Flash Eurobarometer 439 Report, “The use of online marketplaces and search engines by SMEs”, June 2016, available at: https://ec.europa.eu/information_society/newsroom/image/document/2016-24/fl_439_en_16137.pdf. Overview of the EU policy on online platforms: <https://ec.europa.eu/digital-single-market/en/online-platforms-digital-single-market>

[6] KPMG N.V., “Unlocking the value of the platform economy: Mastering the good, the bad and the ugly”, authors: Rob Fijneman, Karina Kuperus, Jochem Pasman, publication of *Dutch Transformation Forum*, November 2018, pg. 9, available at: <https://dutchchannel.nl/612528/dutch-transformation-platform-economy-paper-kpmg.pdf>.

[7] Brochure of the European Commission, “How do online platforms shape our lives and businesses?”, 2019, available at: <https://ec.europa.eu/digital-single-market/en/news/how-do-online-platforms-shape-our-lives-and-businesses-brochure>



In 2017, high 51% of EU citizens tended not to trust the internet, while 62% of them reported distrust in social networks.[8] These negative sides are a result of the fact that platforms operate in environment that is not regulated in the same manner as the physical world, i.e. vast portion of platforms are self-regulated, which leaves space for loose rules and even looser enforcement thereof. All this has given rise to numerous calls for certain aspects of their operation to be regulated.

1. No definition of online platform

Before engaging in any discussion about operation of online platforms and their regulation, the first and foremost question is what online platforms are actually. There is no single notion that covers all types of platforms. The problem with defining platforms arises from their diversity. In particular, online platforms include: social networks (e.g. *Facebook* or *Twitter*), internet markets (e.g. *eBay*, *Amazon*, *AliExpress* and *Booking*), service-offering platforms (e.g. *Uber*, *Deliveroo* or *AirBnB*), search engines (e.g. *Google* and *TripAdvisor*), video-platforms (e.g. *YouTube* and *Dailymotion*), and many others. They use different business models, i.e. some of them are subscription-based, others generate revenue from advertising, and a third group is financed by fees from tasks performed. All of them differ in terms of structure and organization, as well as in terms of functions and activities they perform. It is interesting to note that, under two separate rulings, the EU Court of Justice provided different interpretation for two comparable platforms of “collaborative economy”: *AirBnB* is considered “information society services provider”, i.e. intermediary (pursuant to the Directive on e-Commerce), but *Uber* was classified as company that provides transport, not information society services (and therefore does not qualify under the Directive on e-Commerce).[9] Even the European Commission underlined that online platforms have different forms and sizes and are marked by continuous evolution, whereby there is no consensus about a single definition for online platforms, having in mind that any precise definition would likely be too narrow or would cover too great scope of internet-based services.[10] Such definition would not be able to anticipate future technology development.

[8] Standard Eurobarometer 88 Report, “Media use in the European Union”, November 2017, pg. 20

[9] C-390/18 Airbnb Ireland: <http://curia.europa.eu/juris/document/document.jsf?jsessionid=2FB986748EED178EF4083AF1E72664D7?text=&docid=221791&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=6648164>; C-434/15 Asociación Profesional Elite Taxi v Uber: <http://curia.europa.eu/juris/document/document.jsf?text=&docid=198047&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=6649734>

[10] FULL REPORT ON THE RESULTS OF THE PUBLIC CONSULTATION ON THE REGULATORY ENVIRONMENT FOR PLATFORMS, ONLINE INTERMEDIARIES AND THE COLLABORATIVE ECONOMY, pg. 6. One proposed broad definition, which was subject of public consultations in September 2015, reads: an undertaking operating in two (or multi)-sided markets, which uses the internet to enable interactions between two or more distinct, but interdependent groups of users, so as to generate value for at least one of the groups”. Available at: <https://ec.europa.eu/digital-single-market/en/news/public-consultation-regulatory-environment-platforms-online-intermediaries-data-and-cloud>

The EU *acquis* includes partial definitions of platforms or broader scope of entities that include platforms.[11] In the absence of single definition, attempts are made to define the concept of online platforms through their activities: online advertising platforms, marketplaces, search engines, social media and creative content outlets, payment systems and platforms for collaborative economy.[12] This list covers a broad spectrum of activities, many of which would not be considered platforms, for example, communication services. What could be inferred as common characteristic of online platforms, in the broadest sense, implies that they are entities operating as intermediaries in bringing together supply and demand sides and organizing online marketplaces.[13]

2. EU policy on regulation of online platforms

The European Union is considered a global trendsetter in regulation of digital companies, especially online platforms. For long period of time, the broad digital economy policy is in the focus of EU activities. The incumbent President of the European Commission, Ursula von der Leyen, included “Europe Fit for the Digital Age” among key EU policy priorities for the period 2019-2024. The policy agenda refers to several initiatives related to online platforms: Digital Services Act, joint approach and common standards to tackle issues such as disinformation and online hate speech, improving labour conditions of platform workers, and taxation of digital businesses.[14] These policy guidelines were accompanied with publication of the “Shaping Europe’s Digital Future” Strategy in February 2020.[15] In particular, the strategy anticipates a series of legislative and other measures aimed to regulate different operation aspects of online platforms.

Although, to great extent, platforms are self-regulated,[16] they are already covered by EU rules in areas such as competition, consumer protection, personal data protection, and freedoms that comprise the internal market. Hence, the question is raised whether separate regulation is needed or only changes to existing EU regulation to also cover online platforms, or their operation should be left to self-regulation and co-regulation.

[11] Hence, [Directive 2015/1535](#) defined the term “service” as any information society service, i.e., any service normally provided for remuneration, at a distance, by electronic means and at individual request of the service recipient (Article 1, paragraph 1, item (b) of the Directive (EU) 2015/1535 of the European Parliament and of the Council from 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on information society services). This definition is also used in [Directive 2000/31/EC on electronic commerce](#), which contains key rules for market behaviour of information society service providers, which also includes platforms. Furthermore, [Regulation 2019/1150](#) that regulates certain B2B issues specifically related to internet platforms, such as *Amazon* or *eBay*, uses the term “online intermediation services” which represent “information society services that allow business users to offer goods or services to consumers, with a view to facilitating the initiation of direct transactions between those business users and consumers, irrespective of where those transactions are concluded, and are provided to business users on the basis of contractual relationships between the provider of those users and business users which offer goods or services to consumers”. [Directive 2019/790 on copyright and related rights in the Digital Single Market](#) uses special terminology in the context of copyright content use, as follows: “online content-sharing service provider”. The same is defined as provider of “information society services, whose main purpose or one of its main purposes is to store and give the public access to a large amount of copyright-protected works or other protected subject matters uploaded by its users, which it organises and promotes for profit-making purposes” (Article 2, paragraph 2, item 6 of the Directive 2019/790).

[12] Communication of the European Commission, “Online Platforms and the Digital Single Market: Opportunities and Challenges for Europe”, 25.5.2016, pg. 2, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52016DC0288&from=EN>

[13] The Communication from 2016 enlists main characteristics (some rather broadly) of platforms: (i) have the ability to create and shape new markets, to challenge traditional ones, and to organize new forms of participation or conducting business based on collecting, processing and editing large amounts of data; (ii) operate in multisided markets; (iii) benefit from network effects; (iv) rely on information and communication technologies to reach their users; and (v) play a key role in digital value creation.

[14] Policy guidelines by Ursula von der Leyen, “A Union that strives for more: My agenda for Europe; Political guidelines for the next European Commission 2019-2024”, available at: https://ec.europa.eu/commission/sites/beta-political/files/political-guidelines-next-commission_en.pdf

[15] Communication of the European Commission, “Shaping Europe’s Digital Future”, February 2020, available at: https://ec.europa.eu/info/sites/info/files/communication-shaping-europes-digital-future-feb2020_en_4.pdf

[16] Self-regulation mechanisms include code of conduct/code of practice, memoranda of cooperation and similar instruments signed by platforms with government authorities, non-governmental organizations, chambers of commerce and other relevant entities. They also include rules created by the platforms, i.e. terms of use, various guidelines and the like, whereby these entities gain certain quasi-regulated authorisations.

Based on their characteristics and method of operation, it is clear that specificities of these entities differentiate them from traditional entities that are active on the same markets. An example thereof is seen in contractual relations under the consumer law where majority of EU rules are based on existence of two-party relations, while in the case of online platforms there are multiple parties in a single relation and their status is not always clear.[17]

The European Commission does not have any ambition for comprehensive regulation of platforms, but applies a **specific problem-based approach**, i.e. legislative intervention only in circumstances when there is clearly defined evidence-based problem in relation to particular type of platforms or particular activity they perform.[18] In its 2016 Communication on Online Platforms, the Commission identified four (4) key principles on which the online platform policy is based, as follows:

- 01 A level playing field for comparable digital services;
- 02 Responsible behaviour of online platforms to protect core values;
- 03 Transparency and fairness for maintaining user trust and safeguarding innovation;
- 04 Open and non-discriminatory markets in a data-driven economy.



[17] Briefing for the European Parliament’s committee on internal market and consumer protection (IMCO), “Online platforms: How to adapt regulatory framework to the digital age?”, author: Aneta Wiewiórowska-Domagalska, June 2017, pp. 3-4, available at: [https://www.europarl.europa.eu/RegData/etudes/BRIE/2017/607323/IPOL_BRI\(2017\)607323_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2017/607323/IPOL_BRI(2017)607323_EN.pdf)

[18] *Idem*.

2.1 EU regulatory framework for online platforms

Led by the principles on which EU policy in this area is based, in the last several years the EU adopted several regulations and “soft law” instruments that represent a mix of changes to existing rules and, in some cases, new regulations that target online platforms. The purpose of adopted rules is to address challenges arising from the fact that platforms often dispose with large databases and user databases, and in many cases they create marketplaces and rules for these marketplaces.

Key activities taken by the EU in this regard concern challenges/problems related to market operation of these platforms and their role in protection of core values and human rights in the internet space.

2.1.1 Challenges and measures related to market operation of platforms

Unfair practices by online platforms versus their business users and the fact there are no dispute resolution mechanisms in place.

A key regulation in this regard is the Regulation on Platform-to-Business Relations[19]. This regulation corrects the imbalance of negotiating powers between online platform and small businesses that perform their activities on that platform. It contains measures to ensure transparency of the platform’s terms and conditions,[20] dispute resolution mechanism in cases when, for example, products are removed from the platform[21] and monitoring application of measures and development in this area, by establishing the Observatory on the Online Platform Economy.[22] It also anticipates a short cycle for regulation review whereby the Commission will review this regulation within a period of 18 months from the day it enters into force, with a view to adjust provisions thereunder to changing technology needs.

Abuse of **dominant position**.

The Commission deals with this problem by applying the EU competition rules. In the recent years, the Commission has launched as many as three inquiries against *Google* and in 2017 this company was issued a fine in the amount of 2.42 billion euros for giving illegal advantage to own services compared to *Google Shopping* by *Google* search engine, which amounts to infringement of the platform’s neutrality.[23]

[19] [Regulation \(EU\) 2019/1150 on promoting fairness and transparency for business users of online intermediation services](#)

[20] For example, terms and conditions should be drafted in plain and intelligible language, cannot be changed without previous notice of at least 15 days in advance, should clearly enlists reasons that might lead to removal of business user, should contain information on the manners in which the platform could give preferential treatment to its own goods or services (this is applicable to search engines like *Google*), should be clear about the platform’s data policy.

[21] The platforms should immediately present business users with a statement of reasons in cases when they remove their goods or services. They should provide a complaint-handling mechanism (e.g. to contest their deletion/removal). In that, platforms should engage in good faith in any mediation attempts. Also organizations that represent business users are entitled to initiate lawsuits before national courts within the EU due to non-compliance with this regulation.

[22] The Observatory’s official website is available at: <https://platformobservatory.eu/>. Given the dynamism of developments in this area, the purpose of this body is to identify challenges that should help the EC in future policy creation for online platforms. Topics reconsidered by the observatory include issues related to access to and use of data, non-discrimination, algorithm-based decision-making or ranking.

[23] For more information on Case 39740 *Google Search (Shopping)*, visit DG Competition’s website: https://ec.europa.eu/competition/elojade/isef/case_details.cfm?proc_code=1_39740

A more comprehensive review of challenges to the EU competition policy in the digital era is underway. The aim is to ensure complementarity of *ex-ante* regulation and *ex-post* competition rules. Issues in the focus of this review include: data access and sharing, balance between online and offline commerce, and business models of online platforms, especially those designed as “free” services that users access while providing personal data.[24]

Unfair consumer practices for commerce and inadequate **consumer protection** rules for the digital age.

Having in mind that consumer protection policy is among strong areas of EU actions, the Commission’s proactive approach to these issues does not come as surprise. An important instrument that covers platforms is the New Deal for Consumers, i.e. a set of measures adopted in 2018 and aimed to enhance EU consumer rules (having in mind the increased risk of cross-border infringements) and to modernise rules against market developments.[25] According to newly adopted rules, for example, when consumers purchase products from online markets like *Amazon*, they must be informed by the platform whether the supplier is a professional commerce entity or another private entity, given that the supplier’s status determines rights enjoyed by consumers.[26]

Tax evasion.

Digitalisation of the economy facilitated exploitation of aggressive tax planning schemes, created risks to sustainability of public finance and unlevelled playing field for companies. In response to these challenges, in March 2018, the European Commission adopted the Proposal for Digital Taxation Package, which aims to ensure fair taxation of the digital economy by adapting rules relating to international corporate taxation to the digital reality. The first set of measures under this package aims to reform corporate taxation rules whereby profits would be reported and taxed in cases when business entities have significant interaction with users via digital interface, even when they have no physical presence in the state. The second proposal anticipates temporary tax that would be levied on main digital activities in the EU which are not taxed at the moment.

This EU initiative enhanced discussions at international level, led by OECD, for finding global solutions, mainly in respect to limiting possibilities for profit assignment and general reform of international corporate taxation. The EU’s proposed package is on hold at the Council while international discussions are underway.[27]

[24] Communication of the European Commission, “Shaping Europe’s Digital Future”, February 2020, pg. 5

[25] Two proposals for directive were published as part of this package: [Directive 2019/2161 as regards better enforcement and modernisation of consumer protection rules](#), which was adopted in November 2019, and Proposal for [Directive for protection of collective interests of consumers](#), which is still in legislative procedure.

[26] A series of other regulations relevant for online platforms was adopted, including [Regulation 2017/2394 on cooperation for consumer protection](#), whose purpose is to ensure more efficient cross-border enforcement of consumer protection rules in the EU, in cases when consumers and traders are based in different states. Also, in May 2016, the [Commission published the updated Guidance on Implementation of the Directive on Unfair Commercial Practices \(UCPD\)](#), which clarifies application of this directive in respect to online platforms. Hence, a platform that qualifies as “trader” must always comply with the EU consumer law. Furthermore, this document provides guidelines specific to certain online platforms (e.g. online marketplaces, app stores, search engines).

[27] A brief developed for the needs of the European Parliament, “Digital Taxation: State of Play and Way Forward”, author: Marcin Szczepeński, publication of EPRS, 2020, available at:

[https://www.europarl.europa.eu/RegData/etudes/BRIE/2020/649340/EPRS_BRI\(2020\)649340_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2020/649340/EPRS_BRI(2020)649340_EN.pdf)

2.1.2 Challenges and measures related to responsibility of platforms to respect core values and human rights

Online distribution of **Illegal content**, which includes inciting terrorism, illegal hate speech, materials featuring child sexual abuse and infringement of intellectual property rights.

As regards these issues, the EU has adopted legally-binding instruments in regard to media services and in regard to copyright and related rights:

- Revised Audio and Audiovisual Media Services Directive (AVMSD).[28] The new rules oblige video-sharing platforms to take measures to safeguard minors from harmful content (such as pornography or violence) and to safeguard all citizens against incitement of hate. Measures include user tools to report or designate harmful content, age verification and parental control systems. These measures can be imposed by states with territorial jurisdiction over platforms (where they have headquarters or branch offices, etc.), while other states dispose with mechanisms for cooperation among competent regulatory authorities.
- Directive on Copyright and Related Rights in the Digital Single Market regulates several issues, including certain forms for use and appropriation of digital revenue from online distribution of content protected under copyright and related rights.[29] One of the central issues regulated by this directive concerns the status and responsibility of online platforms that share user-content in regard to distribution of copyright-protected content.

Moreover, debates at EU level are focused on the Proposal for Regulation on Preventing Dissemination of Terrorist Content Online.[30] Key measures anticipated under this regulation include removal of flagged content within one hour and obligation for platforms to take “proactive” measures to deal with such content. At the moment, this regulation is in legislative procedure as part of triilogue (trilateral procedure).

The European Commission has adopted a series of so-called “soft law” instruments with non-binding measures to tackle illegal hate speech online, as well as terrorist content, materials featuring child sexual abuse, counterfeit goods, etc.:

- Recommendation 2018/1177 on measures to effectively tackle illegal content online.[31] In particular, it proposes fast and proactive action to detect, remove and prevent repeated upload of illegal content online which, inter alia, could include information relating to terrorism, child sexual abuse, illegal hate speech, infringement of consumer protection laws, etc. Furthermore, it stipulates streamlined and efficient “notice and action” procedures, more efficient tools for detection and removal of illegal content; stronger guarantees and mechanisms for fundamental rights, such as human oversight on automated decisions for content removal; obligation for platforms to share experiences and practices for the benefit of smaller platforms with limited resources and expertise; cooperation with authorities in the cases where there is evidence for criminal offences or suspicions that particular content involves a threat to life or to safety of persons, whereby companies must immediately notify competent authorities, for which states are encouraged to establish legal obligations.

[28] [Directive \(EU\) 2018/1808](#) on amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in member-states concerning provision of audiovisual media services (Audiovisual Media Services Directive) in view of changing market realities.

[29] [Directive \(EU\) 2019/790](#) on copyright and related rights in the Digital Single Market

[30] Text of the Commission’s proposal: <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:52018PC0640>

[31] Commission Recommendation from 1.3.2018 on measures to effectively tackle illegal contents online, available at:

<https://ec.europa.eu/digital-single-market/en/news/commission-recommendation-measures-effectively-tackle-illegal-content-online>

- Code of Conduct on Countering Illegal Hate Speech Online, signed between the Commission and online platforms in May 2016: to present, all large platforms, including *Facebook*, *Twitter*, *YouTube*, *Instagram* and *Snapchat*, have signed this code.[32] The aim is to ensure fast action upon requests to remove content that features hate speech. Hence, the platforms have committed to review most of such requests in less than 24 hours and, when needed, to remove contested content.

- Memorandum of Understanding on the Sale of Counterfeit Goods via the Internet, which was first signed in May 2011, and revised in 2016, between large internet platforms and owners of rights for goods whose counterfeited or pirated versions are sold online (e.g. fast-moving consumer goods, electronics, fashion and luxury goods, sports goods, films, software, games and toys).[33]

The need to protect fundamental rights: **personal data** of EU citizens.

The General Data Protection Regulation (GDPR) entered into force in 2018.[34] This regulation sets forth rules for use of personal data whereby any person is entitled to know which information related to him/her is owned by platforms, to issue consent for processing of their data and to request deletion of such data, for example, by search engines like *Google*. All EU member-states have formed independent bodies tasked with enforcement of the rules on personal data protection and taking action upon complaints. This regulation is a good example of EU action whose effect has spread globally.

Abuse of online platforms by malicious entities to disseminate **disinformation**, which affects democratic participation.

In this regard, EU activities are based on self-regulation and are pursued on several fronts, including coordination of fast interventions with online platforms, support for independent fact-checking and media literacy activities. An initiative that should be stressed concerns the Code of Practice on Disinformation signed in September 2018 and endorsed by *Facebook*, *Google* and *Twitter*.[35] This code aims to reduce dissemination of disinformation via the internet by addressing five main requirements: better control over advertisement placement in order to demonetize dissemination of disinformation; transparency of political and topic-based advertising in order to allow users to identify promoted content; closure of fake profiles and increased transparency in terms of automated bot interactions; facilitating user ability to detect and to access reliable and diverse news sources; enhancing the research community by encouraging efforts on monitoring disinformation via the internet and supporting research on disinformation and political advertising.

[32] More information about the Code is available at: https://ec.europa.eu/info/policies/justice-and-fundamental-rights/combating-discrimination/racism-and-xenophobia/eu-code-conduct-countering-illegal-hate-speech-online_en

[33] More information about the Memorandum is available at: https://ec.europa.eu/growth/industry/policy/intellectual-property/enforcement/memorandum-understanding-sale-counterfeit-goods-internet_en

[34] Regulation (EU) 2016/679 on protection of personal data

[35] More information about the Code is available at: <https://ec.europa.eu/digital-single-market/en/news/code-practice-disinformation>

2.2 EU's next steps

On 19 February 2020, the Commission released its **five-year digital strategy**, as part of which it adopted the Communication “Shaping Europe’s Digital Future”.[36] In particular, the Commission outlined a vision for the EU driven by digital solutions based on European values and fundamental rights. The intention is to strengthen the European technological sovereignty that would allow the EU to define its own rules and values for the digital age. The “Shaping Europe’s Digital Future” Strategy aims to achieve three key objectives, as follows:

- 01 Technology that works for the people**, which will improve daily life of people and will be shaped in a manner that respects European values;
- 02 Fair and competitive digital economy**, with the EU single market where companies of all sizes can compete under equal conditions, while consumers can be confident that their rights are respected; and
- 03 Open, democratic and sustainable society**, where citizens are educated to act online and offline and where digital transformation enhances democratic values, respects the human rights and contributes to sustainable economy.

The strategy lays down specific plans and measures to be developed by the Commission aimed at attainment of its overall vision and objectives. Majority of planned initiatives are connected and interrelated, while solid portion of them will also impact online platforms. Key measures targeting online platforms under each of the three objectives include:

In order to ensure **technology that works for people**, the Commission plans:

to propose initiatives on improving labour conditions of **platform workers**.

In regard to **fair and competitive economy**, the Commission plans:

To complete ongoing review of the **EU competition rules** for the digital age, and to launch a sector inquiry with focus on new markets;

To continue ongoing review on the need of **ex-ante rules** for markets where large platforms acts as “gatekeepers”, including in the context of the Commission’s plan for the Digital Services Act;

To publish the Communication “**Business Taxation for the 21st Century**”, in order to address challenges arising from digitalization of the economy;[37]

To publish a new **Consumer Agenda**, in order to empower consumers to make informed decisions and play an active role in the digital transformation.

[36] More information on EU strategic priorities in the digital age is available at: https://ec.europa.eu/info/strategy/priorities-2019-2024/europe-fit-digital-age_en

[37] In the last period, the Council followed international discussions on this topic within OECD, and in case no progress is made, activities at EU level will be intensified.

Under its objective for **open, democratic and sustainable society**, the Commission plans:

To adopt new rules for harmonizing responsibilities of online platforms (including in regard to content) and information society service providers, as part of the **Digital Services Act** package.

The anticipated Digital Services Act is a package of measures that complement rules on responsibility and security of digital platforms, goods and services and to complete the Digital Single Market. This is one of the EU's more ambitious projects for the next five years because it aims to establish a broader regulatory framework for the online ecosystem. It will imply a review of the Directive on e-Commerce and will draw inspiration from other recently adopted regulations (Revised Audio and Audiovisual Media Services Directive, Directive on Copyright on the Digital Single Market and Proposal for Regulation on Preventing Dissemination of Terrorism Content Online). According to elements from the recently announced public consultations for this initiative, issues covered include: online security, freedom of speech, fair and level playing market rules. The review is aimed towards establishment of clear and contemporary rules on the role and responsibilities of platforms, including those incorporated in states outside the EU, and more efficient regulatory mechanism. The focus is put on attainment of level playing market rules for platforms of certain size, such as, for example, rules on giving advantage to own goods/services, or through defined obligations for platforms that operate as "gatekeepers", such as obligations related to access to data that are not categorized as personal data, with personal data transferability or interoperability.[38]

Publish the **European Democracy Action Plan** aimed to strengthen the resilience of democracies, support media pluralism and to address the threats of external interference in European elections.

The goal is to develop a joint approach and common standards on issues such as dissemination of disinformation. The plan will include legislative proposals that should ensure greater transparency of paid political advertising and provide clear rules on funding of European political parties.[39]

2.3. What is the trend of EU policies on online platforms?

According to measures taken to present, it could be concluded that the EU assumed a proactive, but **balanced approach** to policies related to platforms. This approach should ensure progress and stimulate development of online platforms, while minimizing negative effects that could arise from excessive market powers by means of measured regulation.

Having in mind ambitions put forward by the European Commission in its recent strategy documents, the EU is not convinced that "soft" initiatives and self-regulation yield sufficient results and that these should be primary model for regulation of online platforms. However, evident is that, in the next years, the Commission will work on **specific problem-based initiatives**.[40]

[38] Public consultations that represent the first step in definition of policy options and basis for possible regulatory intervention were announced on 2 June and will last until 8 September. In this period, all interested parties within the EU can submit their responses to the questionnaire. For more information, visit the following link: https://ec.europa.eu/commission/presscorner/detail/en/ip_20_962

[39] In this context, it is interesting to note the speech delivered by EC Vice President Vera Jourova on 30 January 2020 at the conference on challenges related to disinformation, wherein she elaborated several possible directions for development of this plan. Available at: https://ec.europa.eu/commission/presscorner/detail/en/speech_20_160

[40] For example, the need to regulate labour conditions for persons engaged by online platforms emerged from several years of complaints against companies, such as *Uber*, in regard to treatment of drivers and lack of legal protection for their labour rights.

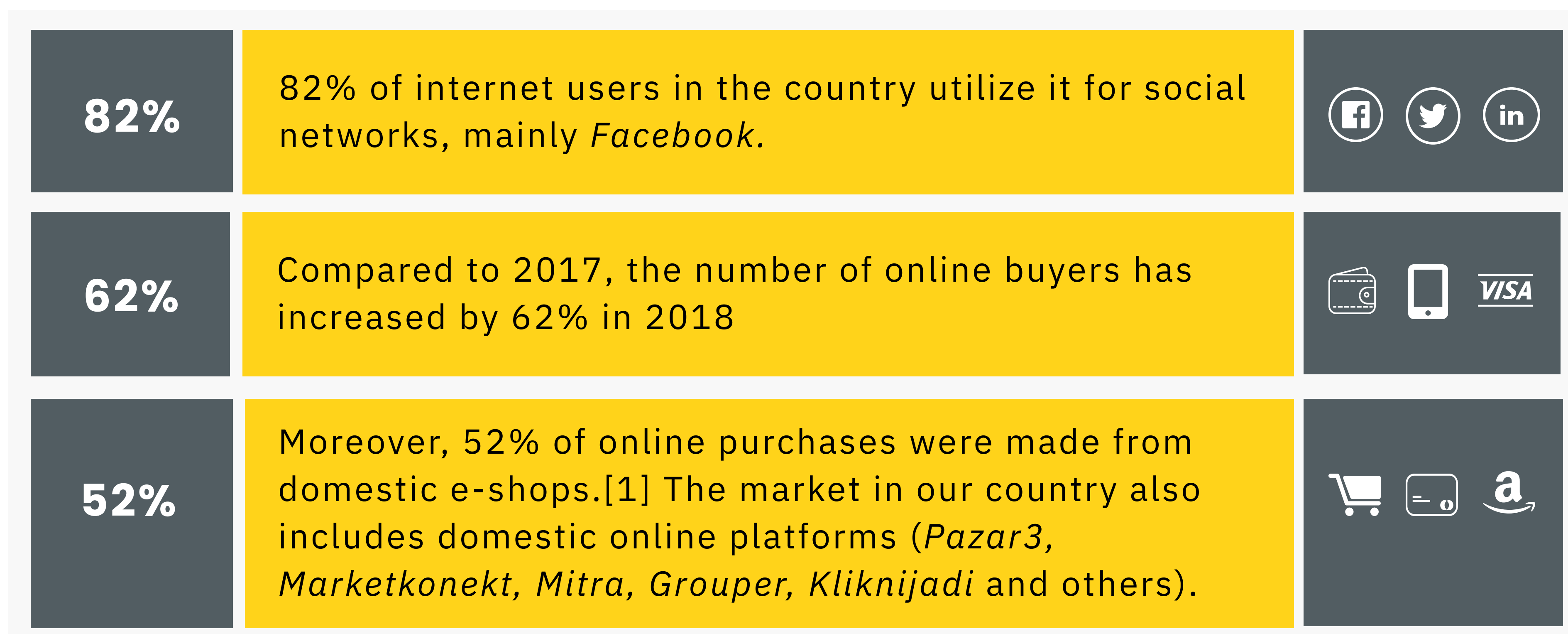
Making adoption of the Digital Services Act a policy priority, decisiveness to take action in the area of taxation, enhanced focus on combating illegal online content, etc., all indicate to the fact that binding norms might be necessary for certain issues in order to **balance interests** of users and the society and the interest to stimulate innovation and economic growth as the ultimate goal of the policy on online platforms. Proposals made by Latvia are also in this direction, as this country believes that the Code of Practice on Disinformation from 2018 is good as the first step, but it is insufficient to deal with organized campaigns for disinformation and other coordinated attempts to attack the democracy, as well as that lack of public oversight mechanisms will lead to underwhelming implementation of measures by platforms.[41]

An example that self-regulation does not operate smoothly in terms of dissemination of content that harms the public interest is seen in enormous flow of disinformation on COVID-19 on social media, especially *Facebook* and *Twitter*. Both networks claim they are taking stronger measures, by enhanced modelling and removal of harmful content.[42] Be that as it may, large portion of fake news remain on *Facebook* despite being reported, while reactions on designating information as fake news is often late.[43]

Discussions around this matter and other issues featured in the EU strategy documents are underway, but it remains to be seen what preparatory steps will be taken in the decision-making process during the next several months (public consultations, studies and analyses, regulatory impact assessments) in order to obtain a clear image about the direction in which this area will move in the future period.

3. Republic of North Macedonia's approach to regulation of online platforms

Use of internet for online shopping and use of social networks is on the rise in our country.



[41] Non-paper of the Latvian Government, available at: https://www.politico.eu/wp-content/uploads/2020/03/Non-paper_Platforms-accountability.pdf?utm_source=POLITICO.EU&utm_campaign=e72519e65f-EMAIL_CAMPAIGN_2020_03_23_06_16&utm_medium=email&utm_term=0_10959edeb5-e72519e65f-190446929

[42] More information on *Facebook* activities on this issue is available at: <https://about.fb.com/news/2020/04/coronavirus/>. More information on *Twitter* activities on this issue is available at: https://blog.twitter.com/en_us/topics/company/2020/An-update-on-our-continuity-strategy-during-COVID-19.html?utm_source=POLITICO.EU&utm_campaign=c974d7a5ec-EMAIL_CAMPAIGN_2020_03_30_03_25&utm_medium=email&utm_term=0_10959edeb5-c974d7a5ec-190446929

[43] Research by Avaaz, "How Facebook can Flatten the Curve of the Coronavirus Infodemic", 15.4.2020, available at: https://secure.avaaz.org/campaign/en/facebook_coronavirus_misinformation/

Namely, 82% of internet users in the country utilize it for social networks, mainly *Facebook*.^[44] Compared to 2017, the number of online buyers has increased by 62% in 2018, i.e. 31.6 % of internet users have made online purchases. Moreover, 52% of online purchases were made from domestic e-shops.^[45] The market in our country also includes domestic online platforms (*Pazar3*, *Marketkonekt*, *Mitra*, *Grouper*, *Kliknijadi* and others).

Having in mind that the EU gives priority to digital policies, it is also important for our country to seriously address this issue as part of accession negotiations between the Republic of North Macedonia and the EU. In principle, online platforms are covered under Chapter 10 of the EU *acquis*, but large number of sector-specific regulations that belong to other chapters are also applicable to platforms (e.g. Chapters 3, 7, 8, and 28).

Digital policies are not featured in **2020 strategic priorities of the Government** of the Republic of North Macedonia.^[46] Also, **there are no thorough analyses and strategies** for different policies and sectors that describe state-of-play in respect to online platforms and would serve as baseline for planning specific measures. A broader review of issues related to combating illegal content is found in the Strategy on Development of Audio and Audiovisual Media Services (AAVMS), which features development of self-regulation mechanisms, education measures for broadcasters, combating hate speech in the media, etc.^[47] Under the section on harmonization with the EU *acquis*, the Tax System Strategy 2020-2030 anticipates an activity that concerns preparation of the country's tax system for taxation challenges in the digital economy and for "digital taxation".^[48] Although recently there were announcements for adoption of Strategy on ICTs, the same is still not adopted and there are no strategies in areas such as consumer protection and even a separate strategy on digital policies or a strategy on combating illegal online content.

The most relevant national document that provides a general image on alignment of national legislation with the EU regulations and policies is the **National Program on Adoption of the EU Acquis (NPAA)**. Despite the fact that NPAA, given its key role in planning and transposition of EU regulations, should be updated and published every year, the last publicly available version of this program dates from 2017.^[49] Therefore, **an analysis cannot be made and conclusions cannot be inferred** whether all above-named measures adopted by the EU in the last several years are integrated therein.

As regard **legal regulation, certain issues related to online platforms are regulated, but there is no systemic connection and update of legal solutions in compliance with trends at the EU level**, which is a result of the lack of clear policy guidelines and vision for development of this area.

[44] "Overview on State-of-Play Regarding e-Commerce in 2018", edition of the E-Commerce Macedonian Association, June 2019, available at: https://ecommerce.mk/wp-content/uploads/2019/06/Pregled_etrgovija_2018.pdf

[45] *Ibid.*

[46] Reference is made only to cyber security and telecommunications, available at:

https://vlada.mk/sites/default/files/dokumenti/organizacija/odluka_strateski_prioriteti_na_vrsm_vo_2020.pdf

[47] Regulatory Strategy for Development of the Audio and Audiovisual Activity 2019-2023, publication of the Agency of Audio and Audiovisual Media Services, available at: <https://avmu.mk/wp-content/uploads/2019/03/%D0%A0%D0%B5%D0%B3%D1%83%D0%BB%D0%B0%D1%82%D0%BE%D1%80%D0%BD%D0%B0%D1%82%D0%B0-%D1%81%D1%82%D1%80%D0%B0%D1%82%D0%B5%D0%B3%D0%B8%D1%98%D0%B0-%D0%B7%D0%B0-%D0%BF%D0%B5%D1%80%D0%B8%D0%BE%D0%B4%D0%BE%D1%82-%D0%BE%D0%B4-2019-%D0%B4%D0%BE-2023-%D0%B3%D0%BE%D0%B4%D0%B8%D0%BD%D0%B0.pdf>

[48] Tax System Reform Strategy 2020-2023, publication of the Ministry of Finance, January 2020, pg. 29, available at:

https://finance.gov.mk/files/u3/%D0%94%D0%B0%D0%BD%D0%BE%D1%87%D0%BD%D0%B0_%D1%81%D1%82%D1%80%D0%B0%D1%82%D0%B5%D0%B3%D0%B8%D1%98%D0%B02020_2023_1.pdf

[49] Information on NPAA from SEA's website: <http://sep.gov.mk/content/?id=13#.XphbXc1S81l>, last retrieved on 18.5.2020.

The information society services are defined in the Law on Electronic Commerce as services provided for reimbursement, at a distance and via electronic means, on personal request from service recipients.[50] This law reflects provisions from the Directive 2000/31 on Electronic Commerce, including prevention-related responsibility of certain service providers, which could include some online platforms, to eliminate illegal content upon complaints lodged (notice and take down). Exactly these rules, which concern responsibility and measures to be taken by platforms when notified about illegal content, inter alia, are subject of revision in the context of the planned EU Digital Services Act, and therefore efforts to closely follow this initiative, even in its preparatory stages, should be a priority.[51]

The Law on Protection of Personal Data is harmonized with the Regulation 2016/679 on protection of personal data. One provision that should be noted is Article 3 which provides precise definition of territorial jurisdiction.[52] This is among emerging systemic legal issues, having in mind that large share of platforms are based outside the Republic of North Macedonia, and therefore it is important to clearly define territorial application of relevant laws on entities (providers/service providers/traders/platforms) whose services are used on the territory of our country. Even when the Agency for Personal Data Protection does not have territorial jurisdiction to take action, its proactive approach to contacting service providers in other states or to cooperation with foreign authorities could contribute to protection of citizens' rights, including against abuse of their personal data on the internet.[53]

The Law on Consumer Protection is not harmonized with the most recent EU Directives in this area which, to great extent, regulate issues related to the digital age.[54] Similarly, the Law on Audio and Audiovisual Media Services should be aligned with the new AVMS Directive, including in regard to measures for video-sharing platforms. The same is applicable for the Law on Copyright and Related Rights, which should be aligned with new EU regulations in this area, especially Directive 2019/790.



[50] Article 3, item 1 of the Law on Electronic Commerce ("Official Gazette of RM" no. 133/07, 17/11, 104/15, and 192/15). The author used the clean copy of this law, available on the Ministry of Economy's website:

<http://www.economy.gov.mk/Upload/Documents/%D0%97%D0%90%D0%9A%D0%9E%D0%9D%20%D0%97%D0%90%20%D0%95%D0%9B%D0%95%D0%9A%D0%A2%D0%A0%D0%9E%D0%9D%D0%A1%D0%9A%D0%90%20%D0%A2%D0%A0%D0%93%D0%9E%D0%92%D0%98%D0%88%D0%90%20.pdf>

[51] Public consultations for this initiative were opened on 2 June 2020. Commonly, content of each public consultations published by the European Commission provides insight in the Commission's intention and possible form of future rules.

[52] Law on Protection of Personal Data ("Official Gazette of RNM" no. 42/2020), available at:

https://dzlp.mk/sites/default/files/u4/zakon_za_zastita_na_licnite_podatoci.pdf

[53] Useful examples for actions taken by the Agency for Protection of Personal Data in cases of violation of rights on the internet are available at: https://dzlp.mk/mk/temi_6

[54] The law's text is available on the Ministry of Economy's website:

[http://www.economy.gov.mk/Upload/Documents/zakon%20za%20potro\[uvaci%20%20pdf.pdf](http://www.economy.gov.mk/Upload/Documents/zakon%20za%20potro[uvaci%20%20pdf.pdf). Underway is development of new law, whose draft version is available on ENER: https://ener.gov.mk/Default.aspx?item=pub_regulation&subitem=view_reg_detail&itemid=51810. Nevertheless, the new draft law also fails to anticipate transposition of the most recent EU Directives in this area. By the cut-off date for this paper, there is no publicly available information on the status of this draft law.

As regards hate speech, fake news and disinformation, there are no mechanisms in place to efficiently deal with such content on online platforms. The Criminal Code contains several provisions that regulate hate speech, including via computer systems,[55] but what lacks is relevant case law. Hate speech is also included in the Law on Audio and Audiovisual Media Services, whereby audio and audiovisual media services should not contain programmes that incite hate.[56] The problem lies in the fact that the Agency cannot perform supervision on online platforms and therefore this provision does not have significant importance in the sphere where hate speech is most prevalent (social networks).

In respect to combating disinformation, ongoing efforts are mainly geared towards online media, especially internet portals, which is certainly useful, because these sources of information are most often shared on the social networks. In this regard, our country has **self-regulation** mechanism through the Council of Media Ethics, which can take actions against content posted on internet portals. Despite the Council's activity in regard to processing complaints, its decisions are often not respected by the portals that act in violation of the Code of Conduct for Journalists, whereby harmful content often remain and are easily shared in the internet space.[57] In the section on the rule of law and fundamental rights, the European Commission's 2019 Country Progress Report noted that online media remain unregulated, while disinformation, hate speech, disrespect of professional standards and violations of intellectual property rights are frequent. Hence, the authorities are recommended to take measures to effectively combat disinformation, including the need for self-regulation aimed to increase respect for ethics and professionalism in online media.[58]

The combat against illegal and harmful content enters a sensitive zone wherein good balance must be achieved between the need for objectivity and truthfulness and the need to protect the freedom of speech, and therefore it is difficult to assess whether it is more adequate for this sphere to be left to self-regulation or whether legal norms need to be in place. An example thereof is Germany's Law on Improved Enforcement of Social Network Regulations, which represents an attempt for introduction of binding measures against dissemination of illegal content on social networks, especially measures for removal of such content in short deadlines.[59] The law is subject of numerous criticisms in terms of the fact that excessively strict measures could lead to take down of legitimate content. In the context of the Republic of North Macedonia, due consideration should be made of measures that are adequate to domestic circumstances. Alarming are data that, among 35 countries in Europe, our country is ranked at the bottom in terms of vulnerability to fake news.[60]

[55] Especially Articles 319 and 394-d of the Criminal Code ("Official Gazette of RM" no. 37/1996, 80/1999, 4/2002, 43/2003, 19/2004, 81/2005, 60/2006, 73/2006, 7/2008, 139/2008, 114/2009, 51/2011, 135/2011, 185/2011, 142/2012, 166/2012, 55/2013, 82/2013, 14/2014, 27/2014, 28/2014, 41/2014, 115/2014, 132/2014, 160/2014, 199/2014, 196/2015, 226/2015, 97/2017 and 248/2018; Decisions of the Constitutional Court of the Republic of Macedonia: U. no. 220/2000 from 30 May 2001, published in "Official Gazette of RM" no. 48/2001; U. no. 210/2001 from 6 February 2002, published in "Official Gazette of RM" no. 16/2002; U. no. 206/2003 from 9 June 2004, published in "Official Gazette of RM" no. 40/2004; U. no. 228/2005 from 5 April 2006, published in "Official Gazette of RM" no. 50/2006 and U. no. 169/2016 from 16 November 2017, published in "Official Gazette of RM" no. 170/2017).

[56] Article 48 of the Law on Audio and Audiovisual Media Services, which stipulates special prohibitions ("Official Gazette of RM" 184/13, 13/14, 44/14, 101/14, 132/14, 142/16, 132/17, 168/18, 248/18, 27/19, and 42/20), available on AVMS's website: <https://avmu.mk/%D0%B7%D0%B0%D0%BA%D0%BE%D0%BD-%D0%B7%D0%B0-%D0%B0%D1%83%D0%B4%D0%B8%D0%BE-%D0%B8-%D0%B0%D1%83%D0%B4%D0%B8%D0%BE%D0%B2%D0%B8%D0%B7%D1%83%D0%B5%D0%BB%D0%BD%D0%B8-%D0%BC%D0%B5%D0%B4%D0%B8%D1%83%D0%BC/>.

[57] Decisions and opinions adopted by the Appeal Committee within the Council of Media Ethics, available at: <https://semm.mk/komisija-za-zalbi/ahiva-odluki-i-mislenja>

[58] European Commission's 2019 Progress Report for North Macedonia, pg. 28, available at: <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-north-macedonia-report.pdf>. Also, see pg. 33 from the report's working translation, available at: <http://www.sep.gov.mk/data/file/Dokumenti/Izveshtaj%202019-F.pdf>

[59] The Law is available in English language at the following website: <https://germanlawarchive.iuscomp.org/?p=1245>

[60] "Critical Thinking for Unmasking Disinformation", manual for informal education on media literacy, authors: Biljana Gjoneska, Vasko Magleshev, Tanja Andonova Mitrevska, Vladimir Petreski, publication by Metamorphosis Foundation and Eurothink, 2019, pg. 47, available at: https://metamorphosis.org.mk/izdanija_ahiva/so-kritichko-mislenje-do-razoblichvanje-na-dezinformacii/

On the other hand, portion of audiovisual media outlets do not show interest for education about professional standards.[61] In any case, there is an urgent need for detailed analysis of this area on the basis of which the direction of future measures will be determined, i.e. whether self-regulation mechanisms in place should be enhanced, which will require intensive efforts for media literacy of citizens and media workers, or whether stricter mechanisms are needed to deal with these phenomena.

In spite of legal solutions that regulate certain issues, and self-regulation mechanisms, concerns are raised with the fact that **implementation of regulations that govern the internet sphere and the case law in this area are very scarce.** On the other hand, **it is not very clear which legal mechanisms are made available to citizens and to businesses** versus domestic and foreign platforms that operate in the Republic of North Macedonia.[62] Non-enforcement of existing legal norms that govern the internet sphere leads to uncontrolled dissemination of inadmissible and harmful behaviours. This should be an additional alarm for policy-makers to focus more on this problem, by designing adequate strategies that would be later translated into specific legislative and other measures, including education for judiciary authorities, regulatory bodies, citizens and other stakeholders.

4. Concluding observations and recommendations

Online platforms play a key role in innovation and growth of the Digital Single Market, but they also bring forth certain challenges related to their market power and disposal with enormous user database and other databases. In this regard, EU activities concern aspects of online platforms related to their market operation, but also their role in dissemination of illegal and harmful content via the internet. The EU policy is a mix of targeted legislative instruments and “soft law” and self-regulation mechanisms, having in mind diverse business models for platforms, as well as their broad field of operation. Thus far, EU initiatives for online platforms and measures planned for the next period illustrate a careful and balanced approach, with a measure of regulation for issues that are considered evidence-based problem. According to the most recent strategic guidelines, it seems that, in the following years, the EU will be focused on strengthening measures in particular areas, especially aimed at enhanced responsibility of online platforms.

As regards the situation in the Republic of North Macedonia, there is no systemic approach to this problem issue. Having in mind that use of digital technologies is marked by continuous rise in terms of development of electronic commerce, use of social networks, development and use of domestic platforms, local challenges related to online platforms need to be researched with due consideration of EU experiences as guidelines, including definition and implementation of national policies in this area. **On that account, recommendations given below could be useful in formulating policies for online platforms:**

[61] Regulatory Strategy for Development of Audio and Audiovisual Activity 2019-2023, publication by the Agency for Audio and Audiovisual Media Service, pg. 16, available at: <https://avmu.mk/wp-content/uploads/2019/03/%D0%A0%D0%B5%D0%B3%D1%83%D0%BB%D0%B0%D1%82%D0%BE%D1%80%D0%BD%D0%B0%D1%82%D0%B0-%D1%81%D1%82%D1%80%D0%B0%D1%82%D0%B5%D0%B3%D0%B8%D1%98%D0%B0-%D0%B7%D0%B0-%D0%BF%D0%B5%D1%80%D0%B8%D0%BE%D0%B4%D0%BE%D1%82-%D0%BE%D0%B4-2019-%D0%B4%D0%BE-2023-%D0%B3%D0%BE%D0%B4%D0%B8%D0%BD%D0%B0.pdf>

[62] An example thereof is the State Market Inspectorate’s communication concerning their limited possibilities to take actions in such matters, as published on its official website: <https://www.dpi.gov.mk/index.php/mk/odnosi-so-javnost/vesti/345-izvestuvanje-do-potroshuvachite-za-e-trgovija>

1

Digital policies should be incorporated in strategic priorities of any current or future government. This requires comprehensive analysis of local problems and challenges and integration of aspects related to online platforms under a separate and comprehensive digital strategy or under sector-specific **strategies** in areas such as ICTs, consumer policy, economic growth, the rule of law, media, etc.

2

As regards the **legislative framework**, and having in mind the dynamics for development of EU law in this area, **efforts are needed to closely follow EU directives and regulations, but also the so-called EU “soft law”**, as early as preparatory stages for relevant EU initiatives, instead of paying attention to these only after they are finalized. When **transposing the EU rules in the national legislation** due consideration should be made to ensure coherence among different provisions that concern online platforms in the areas of commerce, consumer rights, copyrights and related rights, media, but also labour relations and taxation, given that new EU measures are expected in these areas in the near future. Systemic solutions need to be designed for particular issues that are specific for online platforms and for their operation in the internet space, such as definition of territorial jurisdiction, clearly defined enforcement authorities with clear competences, and revision of adopted rules in regular time periods, in order to assess the impact of adopted measures and eventual need for adjustment of the legal framework to newly emerged trends.

3

Having in mind the poor **implementation track-record** of regulations in effect, in particular the poor case law, specialized **training is needed for judicial authorities and all other bodies involved in enforcement of such regulations**, as it is a matter of specific rules that govern completely new or *sui generis* concepts that are not present in other legal areas. Also, **regulatory bodies** should be given **authorizations for issuance of effective sanctions**. Although AVMS hold competences to conduct supervision in cases of harmful content (hate speech, harmful content for minors, etc.) featured in programmes aired by broadcasters, measures issued mainly concern warnings that often do not have any effect.

4

In the case of issues for which legislative regulation would be deemed inadequate, **efficient self-regulation mechanisms** need to be designed, following the example of those adopted at EU level. As regards combating fake news, the Council of Media Ethics should have clear competences in regard to media content on online platforms, especially on social networks, and should be able to take more efficient measures.

5

State institutions should establish **cooperation with the civil society, private sector and all stakeholders**, especially in the context of self-regulation mechanisms, such as codes of practice, memoranda of cooperation and similar instruments, following the example set by the EU. It is useful to infer lessons from the EU Recommendation 2018/1177 on measures to effectively tackle illegal content online. For example, efforts could be made to anticipate proactive involvement of non-government organizations, including professional associations that have experts for particular matters, for example, combating fake news or counterfeit goods, who would serve as “trusted flaggers” in detecting illegal and harmful content online and reporting such content to competent authorities.

6

Efforts are needed to **clarify protection mechanisms** that are made available to citizens and businesses in regard to online platforms, and are part of existing laws, codes and other rules in this area. This covers simple explanation of procedures for reporting problems with online platforms (e.g., reporting hate speech or embezzlement on *Facebook*). Also, citizens should have clear information about which state bodies and other organizations they can address with complaints, having in mind that there are a number of entities dealing with different issues (regulatory authorities like AVMS and APDP, inspection bodies like the State Market Inspectorate, self-regulatory bodies like the Council of Media Ethics, etc.), and whether and in which cases they can motion lawsuits.

7

Efforts are needed to work on **digital literacy** in this sphere, i.e. how to research and recognize facts from lies, how to recognize reliable traders, which information should be received when trading via online platforms, how to recognize unfair commercial practices on online platforms, how to protect personal data, and the like.

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