



Universiteit
Leiden
The Netherlands

How does the EU justify the tradeoff between freedom and security? The Digital Services Act as a case study.

Fadi, Sara

Citation

Fadi, S. (2023). *How does the EU justify the tradeoff between freedom and security? The Digital Services Act as a case study.*

Version: Not Applicable (or Unknown)

License: [License to inclusion and publication of a Bachelor or Master thesis in the Leiden University Student Repository](#)

Downloaded from: <https://hdl.handle.net/1887/3511740>

Note: To cite this publication please use the final published version (if applicable).



Universiteit
Leiden

Thesis: Masters in Political Science: International Organization

Supervisor: Dr. Gjovalin Macaj

Second Reader: Dr. Niels Van Willigen

**How does the EU justify the tradeoff between freedom and security? The Digital
Services Act as a case study.**

Word Count: 9952

Sara Fadi

S3218678

s3218678@vuw.leidenuniv.edu

The Hague, January 16, 2022

Table of Contents

Abstract	2
Introduction	2
Chapter 1: Literature review	5
a) Freedom and security: reconcilable or mutually exclusive?	5
b) The tradeoff in EU policy-making	7
Chapter 2: Theory & Methodology	9
a) Case Selection	13
b) Methodology	14
c) Data Collection	16
d) Indicators	17
Chapter 3: Analysis and findings	19
a) Process	19
b) Results	21
a. Parliamentary Debates	21
b. Document analysis	25
Conclusions	30
Bibliographical References	34
Appendixes	41

Abstract

Framing a societal issue as a matter of national security is a powerful motivator that, when used strategically, can elicit unprecedented outcomes. Recently, the EU adopted a novel regulation aimed at establishing rules upon one of the most unrestrained areas: online platforms. The adoption of the Digital Services Act, marked a shift within two of the most regarded values in democratic societies: freedom and security, leaning heavily towards the latter due to the restrictive notions that are now being promoted upon a previously unregulated realm. This situation leads to wonder, how does the EU justify the tradeoff between freedom and security? Through a discourse analysis methodology, that studied the preeminence of a *securitizing* discourse, versus two other rival frames: *Novelty*, understood as seeking to hold a first mover advantage at regulating a sector and *Equity*, as a yearning to promote EU values through regulation, it was found that the negotiation process of the DSA showed strong indications of a securitizing discourse, which frames the adverse effects of online platforms as a matter of national security. This leads to conclude that EU policymakers securitized the discourse around online platforms to succeed where others failed at regulating the internet.

Introduction

Democratic societies hold a series of values central to their identity. Living in a democracy creates the expectation of being free. The EU explicitly holds this covenant as central to the actions of its policy-making institutions (European Parliament, n/d).

Based on this thinking, the recent adoption of an instrument that aims to regulate online platforms, the Digital Services Act, which sets clear rules for some of the most unrestricted spaces for the exchange of ideas (European Commission, n/d), seems to challenge the guarded inviolability that freedom of expression holds for the European Union.

The negative effects of online platforms have been a topic of political discussion since 2015, due to the perceived adverse effects of these services on societal behavior and electoral processes (European Commission, 2018).

After the implementation of a series of voluntary regulatory attempts, like the “EU Code of Conduct on Countering Illegal Hate Speech Online” from 2018 (European Commission, 2022) and the “Code of Practice on Disinformation” from 2016 (European Commission, 2016), which showed very limited results, the EU recognized the need for a more binding instrument to face these ever-increasing negative externalities.

This situation, combined with the need to harmonize the Digital Internal Market after some larger member states (including France and Germany) introduced their own national legislation targeting hate speech online (Bradford, 2019), led to the development of the Digital Services Act. This novel regulation aims to set binding norms for the operations of online platforms in the EU and, due to the unbounded nature of the internet, also outside of European borders.

Previous similar attempts at regulating the cyberspace, such as the Stop Online Piracy Act (S.O.P.A) (CNN Wire Staff, 2012) in the U.S., or the “Law Sinde” in Spain (La Vanguardia, 2011), have instead been rejected by the public. Both of these regulations were introduced in the early ages of online platforms (in 2011), and both aimed to protect content creators against internet users infringing copyright law and illegally distributing their productions. However, the functioning of these laws in practice raised concern amongst the population. They enabled to remove content first and ask questions later. Users feared an internet blackout where large amounts of content would get flagged unfairly, impacting freedom of speech. This perceived risk sparked widespread protests, finally leading to the dismissal of both of these regulations (Pepitone, 2012).

This represents a puzzle, as it would be expected for the DSA to follow down that same path toward dismissal. However, it has instead been embraced. Given that this regulation means

restricting a previously unregulated realm, its adoption can be considered a successful attempt at tipping the balance between two of western's societies' highest regarded values: freedom and security, towards a decisively securitizing approach. Therefore, the analysis of this case aims to respond to the question: How does the EU justify the tradeoff between freedom and security?

A likely powerful mechanism capable of tipping the scale towards security lies in framing an issue as a national threat. This strategic practice, defined under the term *Securitization*, lifts the problem out of regular politics and allows for extraordinary actions to respond to it. Due to the successful outcome of this ambitious regulation and the language used during parliamentary debates as well as in the key drafts of the regulation itself, *Securitization* can be defined as the likely mechanism that managed to get the DSA approved and, consequently, tipped the scale towards favoring security over freedom.

However, because issues are constantly reformulated during policy negotiations, other rival frames can also be a likely explanation for adopting this regulation. Therefore, a *Novelty* frame, which encapsulates the EU's motivation to embrace the opportunity of being the first institution to regulate a sector, as well as an *Equity* frame, rooted in the intention to forward EU values through ambitious regulations, will also be assessed in order to compare their strength to the securitization hypothesis.

The following research will be separated into three chapters. The first one will be focused on delving deeply into the tradeoff between freedom and security and how it has been historically managed in EU policy-making. The second chapter will apply this knowledge to empirics by deploying a discourse analysis methodology to the transcripts of the Parliamentary Debates that discussed the DSA and the language of three key versions of the regulation. Lastly, the third chapter will determine which frame is the most prominent out of the three analyzed and

will present some final considerations regarding the effects of these findings on (EU) policy-making.

Chapter 1: Literature review

The following literature review will explore the central themes and theories that inform this research. On a macro level, it will delve into the central tradeoff between freedom and security. Moreover, on a more specialized micro level, it will examine the most outstanding theories related to the drivers behind decision-making in the EU to better understand how these two values have been historically reconciled in this context.

a) Freedom and security: reconcilable or mutually exclusive?

According to the policy cycle, societal issues get formulated and reformulated throughout political negotiations. In democratic societies, different opinions are exchanged in this process's agenda-setting and policy-formulation phases (Howlett, et al., 2020). This implies the existence of a competition between various interests to drive decision-making. This dynamic connects to one classical debate, the tradeoff between freedom and security.

In this sense, the tradeoff holds two outstanding positions, either freedom and security are mutually exclusive, or they are seen as reconcilable. The first assertion claims that freedom and security cannot be reunited when pitted against one another in policy-making. On the contrary, the increase of one leads to a decrease in the other. A change in the environment that demands more security will likely justify a decrease in liberty based on the belief that governments act as rational actors most of the time and intend to maximize the joint benefits attached to deciding upon this tradeoff, as the paybacks of increased security will likely compensate for the apparent loss of liberty (Posner & Vermeule, 2007).

Following this line of thought, ruling bodies can even be seen as power and control-hungry that will not doubt about striking upon the liberties of their citizens. It is argued that if the two

values are put on a scale, each time a new weight is added to the security side, the threshold moves towards favoring this right, negatively impacting freedom. Therefore, when the balance is shifted towards security, it is challenging to reverse into a previous state (Waldron, 2003).

Furthermore, more extreme positions argue that States inherently favor security over freedom, as this translates into greater control over citizens. Even calling something a security issue automatically allows political leaders to act by restricting citizens' freedom. When this occurs, political leaders are already advancing the notion of a sum-zero game (Neocleus, 2007).

Opposed to this understanding, other positions have been developed to reconcile freedom and security and see these two values as interrelated and symbiotic. It is argued that because security allows humans to develop and accomplish their will, being secure becomes a prerequisite to having liberty (Newey, 2012).

Following this line of thought and translating the reconciliation of these two ideals into political decision-making, it can be reasoned that the prioritization of each right depends upon the context and the justification given for the tradeoff. For example, if prioritizing security becomes necessary (such as in States of Emergency), there must be a set timing and plausible justification for the restriction imposed (Binder & Binder, 2019).

These different views allow understanding the motivations behind political action when dealing with the tradeoff. However, the idea of a balance seems more relevant to the realities of the democratic arena to be analyzed in this study. Based on the notion of pluralism inherent to this system, it is logical to think that governments would strive to develop balanced policies. Nevertheless, the warnings advanced about the effects of tipping the scale, inform of a tendency found in government bodies towards prioritizing security, which can also influence decision-making.

b) The tradeoff in EU policy-making

Decision-making in the European Union is subjected to several influences. While describing the process of balancing freedom and security, both internal and external factors appear to influence the tradeoff. The proportionality principle is crucial to analyzing the internal factors that can tip the balance in EU policy-making. When dealing with a tradeoff, the EU will often recur to advancing a balanced approach to a societal problem that is not too restrictive or lenient. It is stated in Article 52 of the Charter of Fundamental Rights of the European Union that any restriction to the exercise of freedom, and other fundamental rights enshrined in the Charter, needs to be restrained, justified, and only applied in times of necessity (Official Journal of the European Communities, 2000).

Likewise, Article 5 of the Treaty of the European Union (Official Journal of the European Union, 2012) declares that attention to this principle must be detailed in drafting legislative acts, which embeds proportionality into EU policymaking. Basically, in order to make a regulation proportionate, the gains produced by its introduction must outweigh the adverse effects of the problem. The instrument needs to be promoted as a benefit for the European population, not as a sacrifice.

Correspondingly, when assessing the external factors that influence the process of deciding upon the tradeoff, it can be argued that there is a motivation for the EU to enhance its presence beyond its borders. Manners (2002) explains this through the notion of *cultural filter*. This normative mechanism allows the EU to influence beyond its domain by creating regulations intended to have spillover effects. Therefore, the values promoted in EU decisions have effects beyond the scope of authority of the EU, and this can be used strategically in the international arena.

The General Data Protection Regulation is an example where the two mentioned forces that intervene in balancing freedom and security, can be seen in action. In 2018 the EU adopted a ground-breaking regulation to protect the online data of EU citizens against misuse by online platforms and advertisers (Proton, 2023).

When it comes to the influence of inward-looking forces in this case, it has been argued that the tradeoff between freedom and privacy (a variation of freedom and security) that this regulation focuses on, has been handled in a rather accommodating way. The original proposition underwent 3.999 amendments (Christou in Zahariadis & Buonanno, 2018) and reflected the obliging feature of EU policymaking: its interest in producing a balanced, proportional result that would not leave users' data to be exploited by companies but that would also not represent a negative precedent with tech companies, affecting the possibilities of doing business and innovating.

Contrasting with this more permissive approach awarded by the proportionality principle, the effects of outward-looking forces, meaning the EU's interest in using ambitious regulations to further a specific set of values beyond its borders, also steered the final outcome of the regulation, making it lean towards a more securitizing approach. Due to the market it targeted, the GDPR managed to change the worldwide internet landscape. Online platforms all around the world had to adapt and function under these EU standards, and make substantial changes in how they handled their users' data, even if their headquarters were located in Silicon Valley (Proton, 2023).

In conclusion, the current literature states that freedom and security are also subjected to this dynamic in EU decision-making. According to this analysis, the prioritization of one or the other, likely depends on the influence of inward-looking and outward-looking forces. What

remains unsolved is precisely what mechanism tipped the balance from one value to the other, an issue that will be further analyzed through the case study selected.

Chapter 2: Theory & Methodology

Securitization appears to be a plausible mechanism when seeking to understand what tipped the balance toward security. This issue-framing method lifts a problem out of the realm of regular politics by communicating it as a matter of national security that requires immediate action.

Securitization connects to both the internal and external factors that influence EU decision-making. It relates to the internal factors because it gives a plausible explanation to move the threshold of what is determined as a proportionate action. If the problem is understood as major, the appropriate action will also be so, easing the approval of restrictive measures. When it comes to the external factors, securitization also allows placing a problem at the forefront of a political agenda, fast-tracking its approval and signaling to the external world the need for a blunt change, par with EU standards.

For Buzas et al. (1998), securitization is an issue-framing mechanism deployed in a series of speech acts aimed at promoting a shared understanding of impending danger to society. Securitization lifts the issue out of regular politics and justifies the need for extraordinary action. Under this interpretation, the sense of impending threat can be based on promoting an instance as threatening, not necessarily on the existence of real danger.

Securitization configures through a three-phased process. Firstly, a “speech act” is deployed, which consists of a series of public utterances framing an issue as a matter of security. An individual in a position of power usually conducts this. Secondly, an “audience” legitimizes the notions advanced in the speech act; they decide whether to accept a threat as such. Lastly,

this process culminates in a “crystallizing moment,” which can be seen as a decisive instance where the societal issue becomes “officially” a matter of security (Weaver, 2000).

Although the Copenhagen School’s re-definition of security as something that can be found beyond the existence of an actual threat expanded the meaning of security to the realm of discourse, it checks off as narrow in some instances. Some critical voices have responded to this initial configuration and expanded the scope of securitization. For example, Boswell (2007) claims that there is no necessity for a crystallizing moment and that the perpetuation of securitization lies primordially in the continuation of the discourse that promotes this notion.

In this sense, securitization is not recognized in a specific determining act but in promoting a security matter as such by the political elite. Connected to this, and theorizing about how securitization could be presented in the realm of EU politics, Munster (2009) proposes that the political elite can engage in a “risk governance” process. This frames securitization as an ongoing practice and suggests that governance can become “securitized” over time.

Finally, Bigo (2002), from the Paris School, contributed to the securitization theory by focusing on the role of political elites in promoting these securitized notions. The most likely group to advance a securitizing discourse is the one with the political power to gather support for a specific regulation. He establishes the notion of “Managers of Unease.” These “Managers” are considered professionals who categorize and prioritize threats in a society; they are recognized as experts who hold the truth and the knowledge about an ongoing threat that does not have a definitive end, which promotes a context of generalized uneasiness.

The DSA responds to Bigo’s notion. Securitization is a process that configures through time (the DSA’s negotiation process) and that is managed inherently by a political elite (as it was proposed by the European Commission, not through other bottom-up channels). Therefore, this understanding of securitization will guide the study.

However, upon an initial assessment of the evidence, two alternative explanations can also explain under what justifications the DSA was adopted. Leaning on the fact that EU decision-making is influenced by the values it defends, enshrined in Chapter 2 of the Charter of Fundamental Rights of the European Union (Official Journal of the European Communities, 2000) and further justified by the notion of *Value Politics* proposed by Foret & Vargovčíková (2021), a rival explanation can simply be that the DSA was justified by the EU's motivation to promote a particular set of values and to answer proportionately to a problem by highlighting the benefits that this regulation brings, masking its attached restrictions.

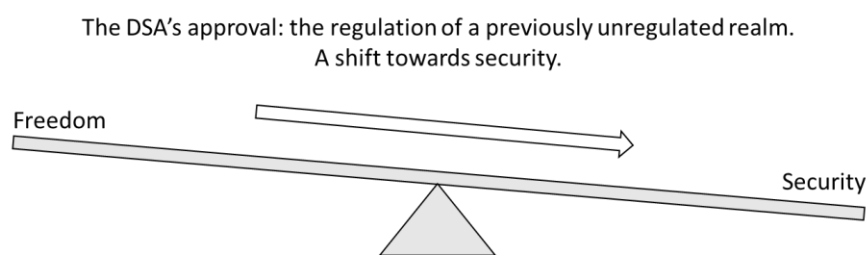
Similarly, the EU's outward-looking motives might have also aided in the approval of the DSA and justifying its need. For example, this body could have sought to have a "first-mover advantage" in setting the regulatory framework for a previously unregulated realm. This corresponds to Bradford's (2019) *Brussels Effect*, which states that the EU has the power and the desire to create "worldwide" regulations to reinforce its position in the international arena.

This "effect" is possible when five sine-qua-non conditions are met: 1) the regulator has a considerable presence on a market, 2) it holds a considerable regulatory capacity, 3) has the political will to engage in worldwide regulation, 4) an ability to focus this regulation upon inelastic sectors and finally, 5) market competitors that are willing to adhere to a single global standard.

In terms of the DSA, and digital markets, the European Union ticks all of these boxes, 1) European users represent a large portion of the market of digital platforms with approximately 327 million users (European Council, 2022), 2) The EU holds the capacity to regulate these tech giants due to the large apparatus and institutions to be created in order to implement this regulation, similar to the effect of Data Protection Authorities with the GDPR (Christou in Zahariadis & Buonanno, 2018), 3) The EU's willingness to engage in regulation in this field

can be attributed to the previous experience with the GDPR and the preceding attempts to further voluntary codes of practice, 4) European users are not willing to give up access to the biggest online platforms and there are no other alternatives as the leading players hold a monopoly upon the cyberspace, and lastly, 5) In order for online platforms to keep operating at a worldwide level, is easier for them to adhere to the strongest worldwide standard, because it poses lower compliance costs, which is now being proposed by the EU. This would also explain why the DSA was so successful by relating its approval to the EU's motivation to keep its status as a prime regulator in the international field.

These three possible approaches are summarized in the following image:



RQ: How does the EU justify the tradeoff between freedom and security?

Possible strategies to justify this tradeoff:

Securitization (H1): The DSA was adopted because online platforms were framed as a matter of security that required immediate extraordinary action.

Equity (Alternative Explanation 1): The DSA's approval was motivated by the EU's inherent desire to spread a set of EU values.

Novelty (Alternative Explanation 2): The DSA's approval was motivated by the EU's desire to hold a first movers' advantage in regulating online platforms and strengthening its status as a worldwide regulator.

Image #1: Own Elaboration (2023)

However, securitization seems the most plausible explanation because of the specific narrative created around the effects of online platforms, as these have been portrayed as a security threat to EU citizens. Secondly, the negotiation process of the DSA presents all the felicity conditions established by Ole Weaver (2000): a series of speech acts that frame the effects of online

platforms as a matter of security, an audience willing to support the initiative and allow for the DSA to be adopted, and a crystallizing moment represented by the regulation of a previously unregulated realm.

Lastly, if the DSA would have been promoted by the EU's yearning to further a specific set of values or by the EU's motivation to solely want to hold a "first mover advantage," this would not explain why online platforms were framed as a security issue. Therefore, securitization stands as the more promising hypothesis. First, however, its relative strength will be assessed against the other two rival arguments to evaluate its overall influence in the negotiation process.

a) Case Selection

The policy negotiation process of the Digital Services Act is the case proposed to test the securitization hypothesis. From the universe of cases where a previously unregulated domain became successfully regulated, the DSA stands as particularly valuable because it is a policy that, instead of being rejected for applying restrictions, has been embraced¹.

The DSA is particularly interesting to study because it represents a strong positive case in a universe of many negative cases. Other laws explored, such as the Sinde and S.O.P.A law, promoted in 2011 in Spain and the U.S respectively, both countries that can be considered democratic just like the EU's decision-making process (Freedom House, 2022), were categorically rejected and even sparked widespread protests amongst citizens and tech companies to stop their adoption (Pepitone, 2012). The DSA was instead adopted in record time², and its contents and influence go even further than the other two failed attempts, as it

¹ To the extent that it has been mentioned that more should be done in order to regulate the cyberspace. Alexandra Geese (Verts/ ALE group) in the plenary parliamentary debate of 19 January 2022 expressed this sentiment: "(...) What do we do to protect citizens? We take a few steps, but we don't go far enough. (...) We should have and could have done more." (European Parliament, 2022).

² Clara Aguilera (S&D): "I think the work done by the rapporteur is excellent, but allow me to highlight the great work done by my colleague Christel Schaldemose, because it was not easy and, in record time, she has achieved a great agreement". In European Parliament. (2022). *Debates. Wednesday, 19 January 2022 – Strasbourg. Revised edition 14. Digital Services Act (debate) [Part 3]*.

not only seeks to remove illegal content from the internet but also to change the functioning of the algorithms and the business model of online platforms.

Furthermore, the DSA poses an interesting approach, not only because of its novelty but also due to its implications. This case holds important historical significance. It is the first time a political institution has successfully confronted the perceived unchecked power of online platforms and has managed to settle the need for accountability from this industry in a policy instrument.

Even though this single case selection narrows the scope of the research to the very particular realm of EU politics, it still holds a high value. Methodologically, focusing on a single case will allow to delve deeply into the processes and mechanisms occurring in the negotiation procedure, in order to unravel the covert strategies used to deal with the tradeoff and give insight on what are the intrinsic (political) motivations of the EU as a policy maker.

To counter the shortcomings of a single case selection, it can be argued that this case has the potential for generalization by emphasizing that a novel regulation attempt can likely initiate a cascade of regulation in other frontiers³. Analyzing the use of securitization in this particular case will give insight into the arguments that might be employed to regulate online platforms in other systems or to understand the strategies that the EU might use to justify other contentious regulations.

b) Methodology

In order to better understand the trade-off between freedom and security in EU policy-making and if the proposed mechanism (securitization) has been the main justification used to tip the balance in favor of security, it is fitting to employ a qualitative methodology of discourse

³ Based on Finnenmore & Sikking (1998) norm cycle theory, where the *norm cascade* stage resembles a contagion effect where its adoption spreads beyond a single set of borders to other countries.

analysis because it matches the scope of securitization theory as it is related to its manifestation through a series of *speech acts*.

In particular, the analysis will look into the construction of specific frames used to define the issue, which allows to describe the narratives portrayed by the political elite to advance the DSA.

Delving into this, Burkner (2018) asserts that frame building is a process that operates through selection and salience. Meaning that the individual(s) developing the frame do so by strategically highlighting certain information. Even though political discourse in this sense can be considered inherently strategic, it still holds high value to the research, because it is uttered by a series of actors who hold an “authority” position, matching Bigo’s (2002) understanding of securitization.

Furthermore, the analysis of the documentation related to the negotiation process also brings valuable insights into the presence of securitizing elements. The same coding categories used to analyze the two debates in Parliament will be employed to triangulate the evidence found in the different documents and give more robustness and credibility to the overall research.

Likewise, following the reasoning of Bowen (2009), the evidence will be conformed through identifying themes and patterns that inform the research question. The repetition of these patterns will be considered proof of the presence of a securitizing discourse in the policy negotiation, and the prevalence of this frame over the other alternative explanations will represent the predominance of this mechanism.

This analysis will be conducted with the support of the Delve Tool, a Quantitative Analysis coding software that allows to perform discourse analysis studies in a high-fidelity manner.

c) Data Collection

The primary sources for this research project were drawn from the chronological reconstruction of the “paper trail” produced by the negotiations of the DSA and the transcripts of the two rounds of parliamentary debates where the DSA was discussed, all found within a two-year span (2020 – 2022). Essentially, this study will look into the changes that this regulation went through, from its first draft to its final approved version, and which arguments were presented to the public to justify the approval of the DSA.

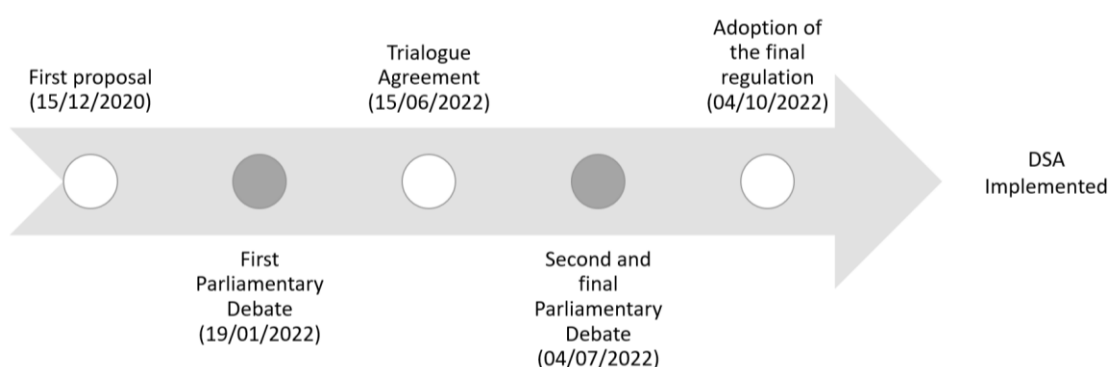


Image #2 Own Elaboration (2023)

The data set consists of a series of primary sources that include the initial proposal of the DSA submitted by the European Commission to the European Council and the European Parliament (15 December 2020); The first plenary parliamentary debate regarding the DSA (19 January 2022); The provisional agreement from the *Triologue*⁴ negotiations between the Parliament, the Council and the Commission (15 June 2022); the second and final plenary parliamentary debate addressing the regulation (4 July 2022) and lastly, the final document produced by the negotiation process, adopted unanimously (27/27) by the European Council (4 October 2022).

This approach not only deeply analyzes primary sources, which allows to develop grounded insights, but also interrelates these findings with previous theoretical understandings, to spell

⁴ European Parliament, n/d.

out how the theory manifest in practice. Essentially, how Securitization, Value Politics, and the Brussels Effect presented throughout the negotiation process of the DSA.

d) Indicators

In order to operationalize the securitization theory and get insight into how it manifests in practice, the frame analysis methodology proposed will follow the basic typology provided by Stritzel (2012), specifically designed to recognize the traces of securitization in discourse. This author takes the previous works from Vuori (2008) and places each category into context, creating the following personalized typology:

- 1) *Claim*: Description of online platforms as dangerous for European society.
- 2) *Warning*: Description of the consequences of inaction by the EU as a policy-making body against the unregulated activities of online platforms and their consequences.
- 3) *Demand*: The specific provisions that the DSA takes to respond to the detected threatening features of unregulated online platforms.
- 4) *Propositional context*: Description of how online platforms pose a threat to European society. In which ways do they attempt against the security of the European Union.

Source: Own Elaboration (2023)

Generic speech act	Securitizing speech act (abstract – Vouri, 2008)	Contextualization (empirical – Stritzel, 2012)	Articulation in the EU's policy-making process, example:
Claim	Something is dangerous (potentially an existential threat)	Contextualized description of danger	"Mr President, for twenty years we have allowed large tech companies to grow almost indefinitely under the guise of innovation. Now these corporations are so powerful that they pose a threat to our society and our democracy." (5)
Warning	If something is not done, the danger/threat will be realized	Contextualized descriptions of the consequences of inaction	"It is time to say that Facebook, Google and all the giant platforms are also responsible for what happens on their platforms during election campaigns. Otherwise, these platforms will become a slot machine for election fraud. Whoever pays the most wins and democracy loses." (6)
Demand	Something should be done	Contextualized description of an action plan	"The social impact of giant platforms can be felt by all of us, as they influence our habits and decisions on a daily basis. The proposal regulating digital services and markets is therefore crucial, as it aims to create a transparent, safe online space." (7)
Propositional content	Proof or reasons in support o the claim/warning	Contextualized presentation of proof and reasons	"The algorithms of googles and facebooks show us what makes the most profit for their shareholders. They know all about us and have found that serving us personalized hate and disinformation produces the most ad revenue because we stay on the platform longer, resulting in a divided society." (8)

Table #1 Source: own elaboration (2023), based on the “typology of securitizing speech acts” in Stritzel (2012)⁵.

A similar procedure will be followed to operationalize the alternative explanations. The traces of the notion of “Value politics”, or values that define the EU and guide its decision-making, will be accounted for under an *Equity* frame, which relates to the mentions in the proposed evidence of, for example, strengthening the internal market, or making the internet a safe space where people from all backgrounds can feel welcome.

Likewise, the *Novelty* frame, linked to the “Brussels Effect” proposed by Bradford (2019), will be assessed through the presence of a specific narrative related to positioning the EU as a significant worldwide regulator, represented in the need to create specialized institutions to

⁵ (5) Kim van Sparrentak. (Verts/ALE) (2022). In European Parliament (2022). *Debates. Monday, 4 July 2022 – Strasbourg Revised edition 15. Digital Services Act - Digital Markets Act (debate)*.

(6) Anna Julia Donáth. (Renew) (2022). In European Parliament (2022). *Debates. Wednesday, 19 January 2022 – Strasbourg. Revised edition 14. Digital Services Act (debate) [Part 3]*.

(7) Edina Tóth (NI) (2022). In European Parliament (2022). *Debates. Monday, 4 July 2022 – Strasbourg Revised edition 15. Digital Services Act - Digital Markets Act (debate)*.

(8) Kim van Sparrentak (Verts/ALE) (2022). In European Parliament (2022). *Debates. Wednesday, 4 July 2022 – Strasbourg. Revised edition. 15. Digital Services Act (debate)*.

tackle the harmful effects of online platforms or in instances where the DSA is promoted as a “worldwide regulatory gold standard”.

Chapter 3: Analysis and findings

A discourse analysis and documentary analysis methodology was employed to answer the research question of this investigation: How does the EU justify the tradeoff between freedom and security? Following the 3 step coding methodology proposed by Saldaña (2016), a first round of open coding (inductive) allowed to identify the main themes and arguments expressed in the negotiation process. Next, a second round of axial coding (deductive), informed by this typology, systematized the frames identified into broad categories. Furthermore, a third round of selective coding, which encompassed the central ideas expressed in the sources analyzed into an overarching category, presented a motive or theory behind the ideas advanced, giving insight into how and under which arguments the EU dealt with the tradeoff between freedom and security.

a) Process

The documentation to be used during this process consists of the edited transcripts of the two debates in Parliament concerning the DSA, as well as the official documents from 1) the initial regulation proposed by the European Commission, 2) the amendments agreed during Trialogue negotiations, and 3) the final changes made to the final text approved by the European Council.

The codebook, after conducting the three iterations mentioned above, on the proposed sources consists of:

Selective Coding (Bigo, 2002)	Axial Coding (Stritzel, 2012)	Open Coding (Own Elaboration, 2023)
<p>Concept of "Managers of unease" (Bigo, 2002) the framework to understand securitization as a mechanism to forward policy-making decisions.</p>	Claim	<ul style="list-style-type: none"> • Platforms are a safety threat • Platforms used to be good, now they bring problems • Platforms threaten democracy • "The Internet is the Wild West" • Platforms hold excessive power • Platforms must take responsibility for their negative effects
	Warning	<ul style="list-style-type: none"> • Accelerated action/sense of urgency • The storming of the US Capitol as a consequence of inaction • Democracy is under threat • Europe is lagging behind in the Digital Race
	Demand	<ul style="list-style-type: none"> • Take back control from tech • Opening the Black Box of Algorithms • Eliminate Dark Patterns • Slogan: "What is illegal offline, must be also illegal online" • The DSA protects freedom <ul style="list-style-type: none"> ◦ The DSA protects fundamental rights • Reduce the sale of illegal products • Increase the safety of platforms • Protect platform users <ul style="list-style-type: none"> ◦ Protect people with disabilities ◦ Protect minors • Decrease the responsibility of small platforms • Respect EU law and power <ul style="list-style-type: none"> ◦ Reaffirm EU Model of Society ◦ The EU vs. China and the U.S. • Demand regulation
	Propositional content	<ul style="list-style-type: none"> • Added Risk / Security Measures • Platforms as a threat to Human Rights • Problem with the profit of platforms • Foreign interference • Citizens are vulnerable to the effects of platforms • Increased responsibility for VLOPS

Table #2. Source: Own elaboration (2023)⁶

Likewise, two other frames representing the alternative explanations for this study consist of:

Selective Coding (Theories)	Axial Coding (Own elaboration, 2023)	Open Coding (Own elaboration, 2023)
<p>The EU's capacity and willingness to influence worldwide regulation. Represented in the "Brussels Effect" which proposes that the EU is motivated to create regulations with spillover effects to assert its international regulatory power (Bradford, 2019).</p>	Novelty	<ul style="list-style-type: none"> • Inclusion of new actors and definitions • Creation of new monitoring institutions • "We need to do more" • The DSA represents a Worldwide Regulatory Gold Standard
<p>Based on the theory of Foret & Vargovčiková (2021) of Value Politics. This guiding framework proposes the existence of a transversal repertoire used to frame policy goals and preferences, at the EU level according to EU values as a strategic motivator for action and harmonization.</p>	Equity	<ul style="list-style-type: none"> • Remove societal barriers from platforms <ul style="list-style-type: none"> ◦ Protect freedom of expression ◦ Enable the right to seek redress • Platforms as gatekeepers/monopolists • Remove economic obstacles to the growth of the internal market <ul style="list-style-type: none"> ◦ Ensure a levelled playing field ◦ Protect European Companies ◦ Allow SMEs to compete

⁶ To access the complete codebook, please see: https://docs.google.com/document/d/1RD_ej7STmbPtLEQ8JMI0tD5d0NNqHEFs/edit?usp=sharing&oid=105677812692109659512&rtpof=true&sd=true

Table #3. Source: Own elaboration (2023)

b) Results

The prevalence of each of the frames was assessed based on their frequency in the evidence analyzed. The results are presented in the following section.

a. Parliamentary Debates

Starting with the frames corresponding to the two rounds of Parliamentary debates on January 19, 2022 (before Trialogues) and on July 4, 2022 (After Trialogues), respectively, the frequency of each one stands as follows⁷.

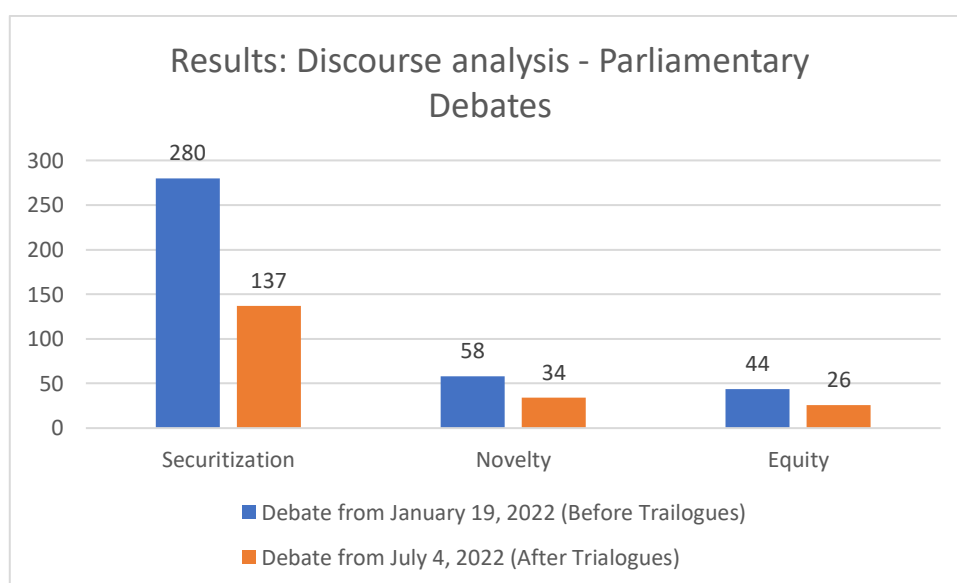


Chart #1. Source: Own elaboration (2023)

What can be observed from these results is that the securitization frame was by far the most prominent throughout both Parliamentary debates, with 417 total counts in both transcripts, versus 92 for the Novelty frame and 70 for the Equity frame. The main topic of discussion in

⁷ Before and after trialogues were chosen as specific indicators for the negotiation's timeline because it is after this inter-institutional discussion that the DSA's proposal experimented most changes, therefore marking an important milestone in the development of the regulation.

the debates was focused on the risks and security problems that online platforms bring to the European Union.

i. Presence of a securitizing narrative

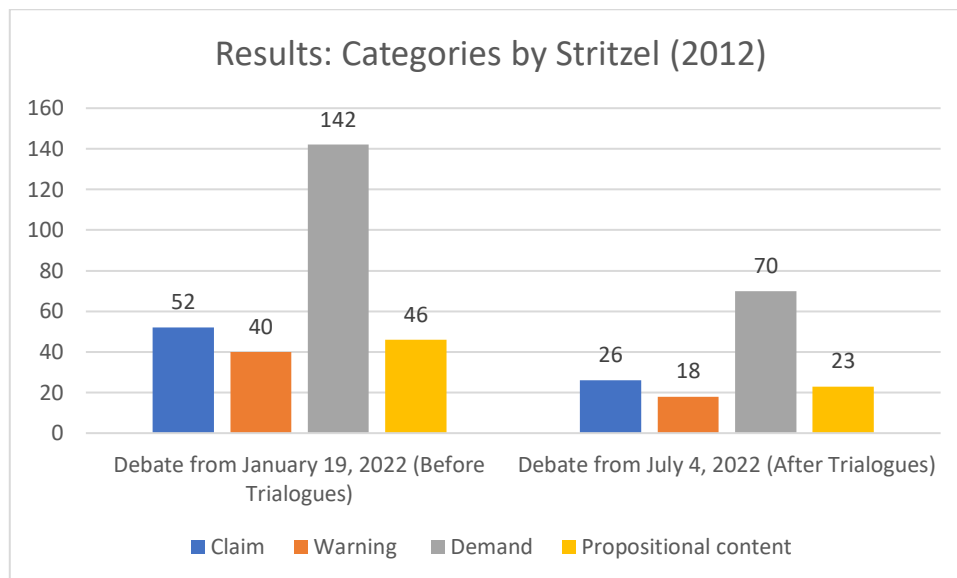


Chart #2. Source: Own elaboration (2023)

When looking at the data disaggregated by each of the categories suggested in the typology by Stritzel (2012), it can be observed that the “Demand” category is the most frequent (212 counts in total). This result is likely related to the fact that a Union-wide regulation was being discussed in these debates. According to Stritzel’s definition, the “Demand” category relates to the description of an action plan in order to tackle an issue, a frame that logically fits the regulatory content being assessed.

However, the “Claim” (78 counts in total), “Warning” (58 counts in total), and “Propositional Content” (69 counts in total) frames also attest to the strength of the securitization narrative during the debates. Even the fact that platforms were described specifically as a security threat in 78 opportunities (Claim), and what is considered proof of this belief was furthermore addressed in other 69 opportunities (Propositional Content), shows that a vision of online

platforms as sources of insecurity for the Union was not only present but prevalent in these public speeches.

Relating this to Bigo's (2002) "Managers of Unease" notion, it seems that EU Parliamentarians steered the conversation of what is, in its most basic form, an update to the E-Commerce Directive from the year 2000, into creating a sense of uneasiness and insecurity around online platforms. According to this author: "They [Managers of Unease], classify events according to their own categories. While car accidents are currently classified as a misfortune rather than a threat to be fought, some subjects are constructed by the security professionals as threats or risks that they have to control (p.74)". Following this logic, it can be stated that the current results show that a topic appertaining to a routinary policy framework, was made into a security problem.

ii. Novelty frame

When it comes to the Novelty frame, there is a clear indication that EU Parliamentary leaders saw the DSA as an opportunity to promote a "Worldwide regulatory gold standard", this narrative was detected a total of 49 times during both debate rounds.

Likewise, another provision related to this frame, under the "We need to do more" notion, which addressed the perceived need to go beyond what the DSA currently proposes in order to curb the negative effect of online platforms, appeared 43 times throughout both debates, an indication that there is an intention to include further provisions and actors in order to respond to the problem at hand.

These findings also show a widespread recognition of the DSA as an instrument to increase the international regulatory power of the EU. After the success of the GDPR, perhaps the focus was put on trying to replicate this through the DSA, a regulation that also has widespread

effects on the market of online platforms. This clearly denotes the Brussels Effect at work and shows the strategic implications of EU decision-making.

Connecting this to the other outstanding frame related to the idea of going beyond what the DSA currently proposes (“We need to do more” frame) shows that there is a need to keep taking advantage of this momentum, perhaps related to the adverse effects of the problem at hand, or on a more strategic level, to positioning the EU as prime regulatory power even further.

Linking this to another notion expressed during the debates, rooted in recognizing that the EU is falling behind important players like the U.S and China in the technological race⁸ shows that there is an intrinsic covert motive to use the DSA not only to deal with the adverse effects of online platforms at EU level, but also to enhance the worldwide reputation of this regulatory body.

iii. Equity frame

Two influences were observed when it comes to the equity frame. First, there was a clear indication that the EU has in its priorities to make the cyberspace a more equitable place. Secondly, it seeks to make it a more fair one when it comes to the economic competitiveness of different companies through digital mediums.

Analyzing the first direction of this frame, the need to “Remove societal barriers from platforms” was the most prominent narrative, with a total of 18 counts throughout both debates. Followed by the need to “Protect freedom of expression” (14 counts), an important acknowledgment made by policymakers if we consider the criticism raised by the DSA, as it was perceived in some instances as another attempt to censor the cyberspace (Bicheno, 2022).

⁸ “Faced with the hegemony of Chinese and American companies, faced with the model muzzled by an authoritarian state or surveillance capitalism, we are building an Internet that is fairer, more transparent, more protective of Europeans.” Valerie Hayer (Renew) (2022). In European Parliament (2022). *Debates. Monday, 4 July 2022 – Strasbourg Revised edition 15. Digital Services Act - Digital Markets Act (debate)*.

It is likely that pushing a narrative that informs the public that this instrument was not looking to restrict actions but to protect users and allow vulnerable groups to feel safe online might have managed to convince citizens of the positive effects of this regulation.

Following this line of thought, the other narratives detected, such as the need to “Enable the right to seek redress” (7 counts) and to “Ensure a leveled playing field” (5 counts), also relate to wanting to enhance the positive effects of the DSA and how this regulation promotes a series of EU values, rooted in equity and justice.

Lastly, when it comes to the provisions related to the economic advantages brought by the DSA, this frame was focused on promoting fair play, and breaking the monopolies that VLOPS⁹ have on the cyberspace. “Removing obstacles to the growth of the internal market” was the main focus of this narrative cluster with 26 counts, followed by provisions that would allow “SMEs to compete” with 13 counts and the recognition of “VLOPS as gatekeepers or monopolists” (12 counts) a clear hurdle to ensuring the overall competitiveness of the online market. Finally, there was also a focus on protecting the competitiveness of European Companies (5 counts), an indication of wanting to use the DSA to advantage a set of EU priorities.

b. Document analysis

The second part of this analysis consists of assessing the presence of securitizing elements throughout the different versions of the DSA and comparing the frequency of this, to the ones of the two other promising alternative frames.

⁹ Very Large Online Platforms: Services with more than 45 million monthly active users in the European Union (European Council, 2022).

i. Comparison between frames

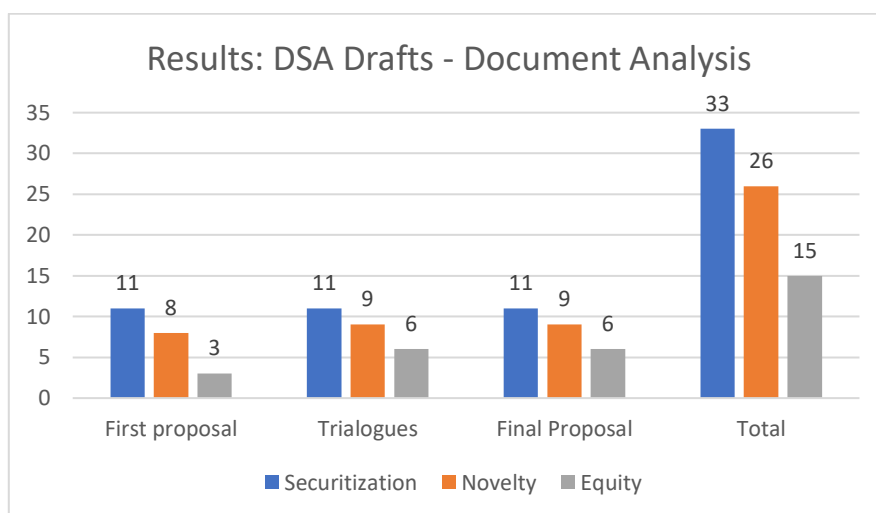


Chart #3. Source: Own elaboration (2023)

From this chart, it can be attested that “Securitization” is the slightly most prominent frame with 33 total counts, keeping consistent throughout the documents regarding the number of articles per version that show the presence of this mechanism (11). Only the content of four of the total 33 articles presenting a securitizing discourse showed an increase in securitizing provisions after the Trialogue negotiations¹⁰.

The slight difference between the securitization frame and the alternative explanations in the documents addressed can be due to the type of source analyzed. Because securitization is deployed through a series of speech acts, it is fitting for this frame not to be as prevalent in a series of policy documents as in the Parliamentary debates. However, its high frequency on an unlikely source proves, even more, the strength of these ideas.

i. Presence of a securitizing narrative

In the three versions of the regulation analyzed, it was detected that there is a concentration of securitizing language in the sections that address the systemic risks derived from platforms and

¹⁰ Please see appendix for the complete analysis.

the strategies proposed to address their adverse effects. Starting with “Article 20: Measures and protection against misuse”, which addresses the negative consequences of platforms when used to deceive, it was identified that during Trialogue negotiations, further provisions were added to specifically protect minors, broadening the scope of individuals that *also* must be protected from the adverse effects of platforms. Article 26, addressed the “Risk Assessments” that platforms must now conduct under the DSA, which defines online platforms as sources of potential risks. During Trialogues, this provision was further expanded to include algorithms and the foreseeable consequences of platforms to mental and physical health and gender violence, representing another increment in its scope.

Additionally, a crisis protocol was introduced in Article 37 to address the actions of platforms during a national or worldwide crisis, which attests to the crucial influence of these actors during exceptional times and justifies the need to regulate them. On the same note, “Article 50: Enhanced supervision for Very Large Online Platforms” exposes the unique parameters that VLOPS are subjected to because of their size and influence. This article also exposes the increased perceived risks connected to their functioning. This provision did not suffer changes after the Trialogue negotiations. However, the final approved document introduced a sped-up entry into force of the DSA regulations for VLOPS in “Article 92: Anticipated application to providers of very large online platforms and of very large online search engines”, which speaks of a sense of urgency to get large platforms under control.

ii. Novelty Frame

In terms of the Novelty frame, a total of 26 articles reference this provision throughout the three versions of the DSA analyzed. The initial proposal presented a total of 8 articles referring to creating new institutions, definitions, and procedures to deal with the negative externalities of online platforms. Article 2: “Definitions” in the version of the DSA developed after

Dialogues, refers to the inclusion of a new actor, the Digital Services Coordinator, tasked to oversee the implementation of the DSA.

Article 17 introduces an “Internal Complaints” system, a service that Digital Platforms must now provide to users to flag inappropriate material online. Other provisions include the introduction of “Trusted Flaggers” (Article 19), the obligatory development of “Risk Assessments” for online platforms (Article 26), which experimented an increase in its scope during Dialogues due to the introduction of not only current but also foreseeable adverse effects; and the creation of a “European Board of Digital Services” (Article 47), amongst others¹¹.

The greatest addition during dialogue negotiations is found in the creation of a “Crisis Response Mechanism” (Article 27 a) that aims to create an action protocol to instruct online platforms providers about how to act in case of a substantial emergency.

iii. Equity Frame

Regarding the Equity frame, there is also evidence sustaining the promotion of these ideals. This frame is represented by excerpts on social and economic equality¹² and was detected 15 times in total.

The “Definitions” section of Article 1 in the initial proposal explicitly states that the DSA seeks to contribute to the proper functioning of the European Internal Market. Linked to this, it introduces, after Dialogue negotiations, a social aspect related to explicitly defining the concept of “Person with Disabilities,” emphasizing these individuals as users that must be catered to by online platform developers.

¹¹ Please see appendix for the complete analysis.

¹² Rooted in the optimization of the European Internal Market.

Furthermore, Articles 35 and 36 introduce a set of “Codes of Conduct” that encourage the monitoring and reporting of suspicious activities in online platforms by civil society, as well as new provisions towards online advertisements (added after Trialogue negotiations), which state that these should be competitive, transparent and fair, all aimed at empowering users. Lastly, point “ca” of Article 26, dedicated to “Risk Assessments,” added after Trialogue discussions, explicitly addresses minors and women as emphasized groups to be protected from the risks found in online platforms, an indication of wanting to equalize the online field by catering to the needs of the groups perceived as more vulnerable.

After Trialogues, 3 more articles related to this frame were added. Article 12: “Terms and Conditions” emphasizes that the Terms and Conditions of Platforms must be understandable to the intended user of the service, meaning that, if the platform is expected to be used by minors, they should be able to understand its regulations. Similarly, Article 23 (a), “Online Interface Design and Organization,” makes a provision that establishes that platforms shall not be designed in a way that distorts reality, seeking to make them fairer. Lastly, Article 26: “Assessment” in its point “ca” defines minors and women as a vulnerable group to be protected in the cyberspace.

As a summary, the two alternative frames were only slightly less prevalent than the securitizing narrative. This might be related, as theory explains, to the fact that security is expressed mainly through speech acts. Therefore, it is logical that it would be more present during the parliamentary debates and not so much in the documents related to the DSA. Likewise, as the documents focus on the provisions made to deal with the problem at hand, it is plausible that the mentions of wanting to deal with this equitably, contributing to the Equity frame, and by creating institutions and actors to do so, connected to the Novelty frame, would have a more central role in these sources.

Conclusions

The elements analyzed provided an answer to the question: How does the EU justify the tradeoff between freedom and security? And confirm the initial hypothesis that EU policymakers advanced a seemingly otherwise contentious regulation based on a securitizing discourse. This framing mechanism was identified throughout all the evidence assessed, supporting the hypothesis that EU policymakers sought to forward an understanding of online platforms as a source of risks and insecurity for the European population.

Even though this research presents an important insight related to the justifications that the EU uses to rationalize the tradeoff between freedom and security in the form of regulating a previously unregulated realm, some limitations must be considered. The presence of a securitizing narrative in the negotiation process of the DSA is not but one positive case, compromising the scale of the conclusions. However, relating this to the Brussels Effect also addressed, speaks to the fact that what the EU decides upon in regulatory terms has effects beyond its borders and can mean that this mechanism can also be present in the regulatory efforts of other frontiers, which gives some level of generalizability to the conclusions obtained.

Similarly, addressing such a unique regulatory topic, such as online platforms, limits how much this study can inform about the strategy of the EU in regulating other topics. Nevertheless, delving deeply into the regulatory process of the DSA gives insight into the motivations, drivers, and justifications behind EU policymaking. It can be a starting point for other research efforts with a broader scope.

From the DSA, it was observed that what started as an update to the E-Commerce Directive from the year 2000, which established the provisions for the sale of goods over the internet (Official Journal of the European Communities, 2000), turned into a regulation with broad

implications for the business model of online platforms, the protection of vulnerable groups and the creation of conditions for free speech in the cyberspace.

Further implications for policymaking can also be found in the insights drawn related to how the policy-making process unfolds in the EU. It was detected that, when it comes to the negotiation process of EU policies, most of the broadening of the initial scope happens in the Trialogue phase, just as Allen (2022) also confirms. However, the fact that this influential process occurs in private is an element of concern for the EU's democratic policy-making process, as in a democracy, decisions should be made transparently and under the attentive supervision of the public.

When it comes to the influence of the forces that intervene in EU decision-making, the introduction of a crisis response mechanism after the start of the Russian – Ukrainian¹³ conflict in the DSA, speaks to the notion of Posner and Vermeule (2007), which states that when the environment presents the opportunity to further security provisions, this is likely going to be seized by political decision-makers. The EU can shift its regulatory standpoint depending on its external environment, which reconciles with the insights previously exposed related to the EU's sensitivity to external forces when developing regulation and dealing with a tradeoff.

Furthermore, the internal forces driving EU decision-making, specifically its proportionality values, were also detected in the case study. Under this narrative, the DSA was promoted as an instrument to make the internet fairer, justifying the adoption of restrictive security measures. Freedom was given up under the condition that the DSA would make the internet fairer, promoting a set of EU values rooted in equity.

¹³ “In the context of the Russian aggression in Ukraine and the particular impact on the manipulation of online information, the DSA introduces a crisis response mechanism. This mechanism will make it possible to analyse the impact of the activities of VLOPs and VLOSEs on the crisis in question and rapidly decide on proportionate and effective measures to ensure the respect of fundamental rights” (European Council, 2022).

Linked to the Novelty frame also analyzed in this research, the presence of statements connected to keeping the EU's position as a prime international regulator and setting a so-called "Gold Standard", looking to surpass the efforts of China and the U.S. when dealing with the cyberspace¹⁴ attests to the importance of the EU's "Brussels Effect" and how this institution seeks to maintain its position in rapidly shifting geopolitical conditions. However, this ranks in second place in the frame comparison.

Regarding the Equity frame, it can be assured that the DSA was also created to harmonize the regulations related to the Digital Internal Market and curb the negative effects that platforms have upon some vulnerable groups. However, these "Value Politics" could not compete with the prevalence of the Securitizing and Novelty discourses and is positioned as the least prevalent frame among the ones assessed.

Focusing on the now confirmed securitization hypothesis, when it comes to addressing these new discoveries against the previous understanding of securitization, it can be confirmed that Bigo's (2002) theory about how a security discourse can become embedded into policy-making processes, and advanced by the political elite, was empirically proved by the case study in this research.

Correspondingly, the results support the empirical presence of securitization in EU policy-making and delve into the understanding that this framing mechanism can be used to advance controversial regulations. Previous attempts at regulating the cyberspace were categorically rejected, however, the DSA was adopted, which means that this method was not only prevalent in the discourse but effective.

¹⁴ Valérie Hayer (Renew) (2022): "(...) Ladies and gentlemen, I think we can be happy about this, because by defining the Internet of tomorrow, we are once again proving that Europe, this normative power, can weigh on the international scene in the face of the American and Chinese giants." In European Parliament. (2022). *Debates. Wednesday, 19 January 2022 – Strasbourg. Revised edition 14. Digital Services Act (debate) [Part 2]*.

Furthermore, when it comes to understanding what were the justifications put into place that led to the approval of the DSA, it was observed that this tradeoff was not publicized as limiting the freedom of the users of online platforms, but in terms of regulating the activities of platform developers. The DSA has been framed as a regulation that strikes down upon the unbounded freedom that Silicon Valley has had thus far and puts provisions that tackle the negative consequences of online platforms on security. By forwarding this imagery, the EU likely managed to obtain the public support that other previous attempts failed to gather.

This speaks on the implication and broad effects of policy framing. Linking back to the negative view of securitization, which explains that when an individual in a power position speaks about security, it is often with an intrinsic motive (Neocleus, 2007), it can be seen in practice that framing a societal issue as a matter of national security has broad effects on societal imaginaries (Burkner, 2018).

Finally, due to the short time that this regulation has been in force, it is still to be seen what its effects will be on freedom of speech and the functioning of online platforms from this moment on. However, what is now clear is that the DSA marks a before and after when it comes to the operations of online platforms while also showing how building a solid case around a policy can be the defining factor between the rejection and adoption of a regulatory effort and consequently, the balancing of two critical societal values: freedom and security.

Bibliographical References

Allen, A. (29 April, 2022). The EU's Opaque Policy-Making Has Never Been Clearer. *Wired*.

Retrieved from: <https://www.wired.com/story/eu-opaque-policy-making-dsa/>

Balzacq, Thierry. (2005). The Three Faces Of Securitization: Political Agency, Audience And Context. *European Journal Of International Relations* 11 (2): 171-201.

doi:10.1177/1354066105052960.

Bicheno, S. (25 April, 2022). Europe increases state censorship powers with the Digital Services Act. *Telecoms*. Retrieved from: [https://telecoms.com/514874/europe-](https://telecoms.com/514874/europe-increases-state-censorship-powers-with-the-digital-services-act/)

[increases-state-censorship-powers-with-the-digital-services-act/](https://telecoms.com/514874/europe-increases-state-censorship-powers-with-the-digital-services-act/)

Bigo, D. (2002). Security and Immigration: Toward a Critique of the Governmentality of Unease. *Alternatives: Global, Local, Political*, 27(1_suppl), 63–92.

<https://doi.org/10.1177/03043754020270S105>

Binder, C. & Binder, C. (2019). *No security without liberty? Human Rights meet Political Philosophy*. Retrieved from:

https://www.researchgate.net/publication/337244462_No_security_without_liberty_Human_Rights_meet_Political_Philosophy

Boswell, C. (2007), Migration Control in Europe After 9/11: Explaining the Absence of Securitization. *JCMS: Journal of Common Market Studies*, 45: 589-610.

<https://doi.org/10.1111/j.1468-5965.2007.00722.x>

Bowen, G. A. (2009). Document Analysis as a Qualitative Research Method. *Qualitative Research Journal*, 9(2), 27–40. <https://doi.org/10.3316/QRJ0902027>

Bradford, A. (2020). *The Brussels Effect*. New York: Oxford University Press.

<https://doi.org/10.1093/oso/9780190088583.001.0001>

Sara Fadi
S3218678

Bürkner, H.-J. (2018). Imaginaries ready for use: Framings of the bordered intersectionalised everyday provided by the EU's sectoral policies. *Political Geography*, 66, 189–198.

<https://doi.org/10.1016/j.polgeo.2017.06.003>

Buzan, B., Wæver, O., & de Wilde, J. (1998). *Security : A New Framework for Analysis*.

Retrieved from: <https://www-degruyter>

[com.ezproxy.leidenuniv.nl/document/doi/10.1515/9781685853808/html#contents](https://www-degruyter.com.ezproxy.leidenuniv.nl/document/doi/10.1515/9781685853808/html#contents)

Christou, G. in Buonanno, L., & Zahariadis, N. (2018). *The Routledge handbook of European public policy*. Retrieved from:

<https://www.taylorfrancis.com/books/edit/10.4324/9781315682723/routledge->

[handbook-european-public-policy-nikolaos-zahariadis-laurie-buonanno](https://www.taylorfrancis.com/books/edit/10.4324/9781315682723/routledge-handbook-european-public-policy-nikolaos-zahariadis-laurie-buonanno)

CNN Wire Staff. (January 19, 2012). Lawmakers withdraw support of anti-piracy bills after online protest. *CNN*. Retrieved from: [https://edition.cnn.com/2012/01/19/tech/sopa-](https://edition.cnn.com/2012/01/19/tech/sopa-blackouts/index.html)

[blackouts/index.html](https://edition.cnn.com/2012/01/19/tech/sopa-blackouts/index.html)

European Commission. (2022). *2018 Code of Practice on Disinformation*. Retrieved from:

<https://digital-strategy.ec.europa.eu/en/library/2018-code-practice-disinformation>

European Commission. (2020). *Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC*. Retrieved from:

<https://oeil.secure.europarl.europa.eu/oeil/popups/summary.do?id=1644110&t=e&l=e>

[n](https://oeil.secure.europarl.europa.eu/oeil/popups/summary.do?id=1644110&t=e&l=en)

European Commission. (n/d). *The Digital Services Act: ensuring a safe and accountable*

online environment. Retrieved from: [https://ec.europa.eu/info/strategy/priorities-2019-](https://ec.europa.eu/info/strategy/priorities-2019-2024/europe-fit-digital-age/digital-services-act-ensuring-safe-and-accountable-online-environment_en#new-rules-in-a-nutshell)

[2024/europe-fit-digital-age/digital-services-act-ensuring-safe-and-accountable-online-environment_en#new-rules-in-a-nutshell](https://ec.europa.eu/info/strategy/priorities-2019-2024/europe-fit-digital-age/digital-services-act-ensuring-safe-and-accountable-online-environment_en#new-rules-in-a-nutshell)

Sara Fadi
S3218678

European Commission. (n/d). *The EU Code of conduct on countering illegal hate speech online*. Retrieved from: https://ec.europa.eu/info/policies/justice-and-fundamental-rights/combating-discrimination/racism-and-xenophobia/eu-code-conduct-countering-illegal-hate-speech-online_en

European Council (23 April, 2022). Digital Services Act: Council and European Parliament provisional agreement for making the internet a safer space for European citizens. *European Council*. Retrieved from: <https://www.consilium.europa.eu/en/press/press-releases/2022/04/23/digital-services-act-council-and-european-parliament-reach-deal-on-a-safer-online-space/>

European Council. (2022). *Infographic - Digital Services Act*. Retrieved from: <https://www.consilium.europa.eu/en/infographics/digital-services-act/>

European Council. (2022). *REGULATION (EU) 2022/... OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of ... on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act)*. Retrieved from: <https://data.consilium.europa.eu/doc/document/PE-30-2022-INIT/en/pdf>

European Council. (4 October, 2022). DSA: Council gives final approval to the protection of users' rights online. *European Council*. Retrieved from: <https://www.consilium.europa.eu/en/press/press-releases/2022/10/04/dsa-council-gives-final-approval-to-the-protection-of-users-rights-online/>

European Council. (2022). *Search for voting results (4 October 2022)*. Retrieved from: <https://www.consilium.europa.eu/en/general-secretariat/corporate-policies/transparency/open-data/voting-results/?meeting=3898>

European Court of Human Rights. (2021). *European Convention on Human Rights*. Retrieved from: https://www.echr.coe.int/documents/convention_eng.pdf

European Parliament. (2021). ****I REPORT on the proposal for a regulation of the European Parliament and of the Council on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC (COM(2020)0825 – C9-0418/2020 – 2020/0361(COD))*. Retrieved from:
https://www.europarl.europa.eu/doceo/document/A-9-2021-0356_EN.html

European Parliament. (2022). *Debates. Wednesday, 19 January 2022 – Strasbourg. Revised edition 14. Digital Services Act (debate) [Part 3]*. Retrieved from:
https://www.europarl.europa.eu/doceo/document/CRE-9-2022-01-19-ITM-018_EN.html

European Parliament. (2022). *Debates. Monday, 4 July 2022 – Strasbourg Revised edition 15. Digital Services Act - Digital Markets Act (debate)*. Retrieved from:
https://www.europarl.europa.eu/doceo/document/CRE-9-2022-07-04-ITM-015_EN.html#top

European Parliament. (2022). *Debates. Wednesday, 19 January 2022 – Strasbourg. Revised edition 14. Digital Services Act (debate) [Part 1]*. Retrieved from:
https://www.europarl.europa.eu/doceo/document/CRE-9-2022-01-19-ITM-014_EN.html

European Parliament. (2022). *Debates. Wednesday, 19 January 2022 – Strasbourg. Revised edition 14. Digital Services Act (debate) [Part 2]*. Retrieved from:
https://www.europarl.europa.eu/doceo/document/CRE-9-2022-01-19-ITM-016_EN.html

European Parliament. (2022). *Provisional Agreement Resulting From Interinstitutional Negotiations*. Retrieved from:

[https://www.europarl.europa.eu/RegData/commissions/imco/inag/2022/07-05/IMCO_AG\(2022\)734311_EN.pdf](https://www.europarl.europa.eu/RegData/commissions/imco/inag/2022/07-05/IMCO_AG(2022)734311_EN.pdf)

European Parliament. (n/d). *Interinstitutional negotiations*. Retrieved from:

<https://www.europarl.europa.eu/olp/en/interinstitutional-negotiations>

European Parliament. (n/d). *Protecting fundamental rights within the Union*. Retrieved from:

<https://www.europarl.europa.eu/about-parliament/en/democracy-and-human-rights/fundamental-rights-in-the-eu>

Finnemore, M., & Sikkink, K. (1998). International Norm Dynamics and Political Change. *International Organization*, 52(4), 887–917.

<https://doi.org/10.1162/002081898550789>

Foret, F., & Vargovčíková, J. (2021). *Value politics in the European Union : from market to culture and back*. Abingdon, Oxon: Routledge.

Freedom House. (2022). *Countries and Territories*. Retrieved from:

<https://freedomhouse.org/countries/freedom-world/scores?sort=desc&order=Total%20Score%20and%20Status>

Gusfield, R. (1981). *The Culture of Public Problems: Drinking-Driving and the Symbolic Order*. Chicago, IL: The University of Chicago Press.

Howlett, R., Ramesh, M. & Perl, A. (2020). *Studying public policy : principles and processes* (Fourth edition.).

La Vanguardia. (January 19, 2011). More than 40,000 citizens sign the manifesto against the Sinde Law. *La Vanguardia*. Retrieved from:

<https://www.lavanguardia.com/cultura/20110119/54103327100/mas-de-40-000-ciudadanos-firman-el-manifesto-contra-la-ley-sinde.html>

Sara Fadi
S3218678

- Manners, I. (2002). Normative Power Europe: A Contradiction in Terms? *Journal of Common Market Studies*, 40(2), 235–258. <https://doi.org/10.1111/1468-5965.00353>
- McDonald, M. (2008). Securitization And The Construction Of Security. *European Journal Of International Relations* 14 (4): 563-587. doi:10.1177/1354066108097553
- Munster, R. (2009). *Securitizing Immigration: The Politics of Risk in the EU*. Retrieved from: <https://link.springer.com/book/10.1057/9780230244955>
- Neocleous, M. (2007). Security, Liberty and the Myth of Balance: Towards a Critique of Security Politics. *Contemporary Political Theory*. 6, 131–149. Retrieved from: https://www.researchgate.net/publication/31971420_Security_Liberty_and_the_Myth_of_Balance_Towards_a_Critique_of_Security_Politics
- Newey, G. (2012). Liberty, Security Notwithstanding. *Studies across Disciplines in the Humanities and Social Sciences 11*. Helsinki: Helsinki Collegium for Advanced Studies. 3–22. Retrieved from: https://helda.helsinki.fi/bitstream/handle/10138/32359/011_02_newey.pdf?sequence=1
- Official Journal of the European Communities. (17 July, 2000). *DIRECTIVE 2000/31/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce)*. L 178/1. Retrieved from: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32000L0031&from=EN>
- Official Journal of the European Communities. (2000). *Charter Of Fundamental Rights Of The European Union*. Retrieved from: https://www.europarl.europa.eu/charter/pdf/text_en.pdf

Sara Fadi
S3218678

Official Journal of the European Union. (2012). *Consolidated Version Of The Treaty On*

European Union. Retrieved from: https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0023.02/DOC_1&format=PDF

Pepitone, J. (20 January, 2012). SOPA explained: What it is and why it matters. *CNN Money*.

Retrieved from:

https://money.cnn.com/2012/01/17/technology/sopa_explained/index.htm

Posner, E. A., & Vermeule, A. (2007). *Terror in the balance: Security, liberty, and the courts*. Oxford University Press.

Proton. (2023). *Complete Guide to GDPR Compliance*. Retrieved from: <https://gdpr.eu/>

Saldaña, J. (2016). *The coding manual for qualitative researchers* (Third edition.). Los Angeles: SAGE.

Stritzel, H. (2012). Securitization, power, intertextuality: Discourse theory and the translations of organized crime. *Security Dialogue*, 43(6), 549–567.

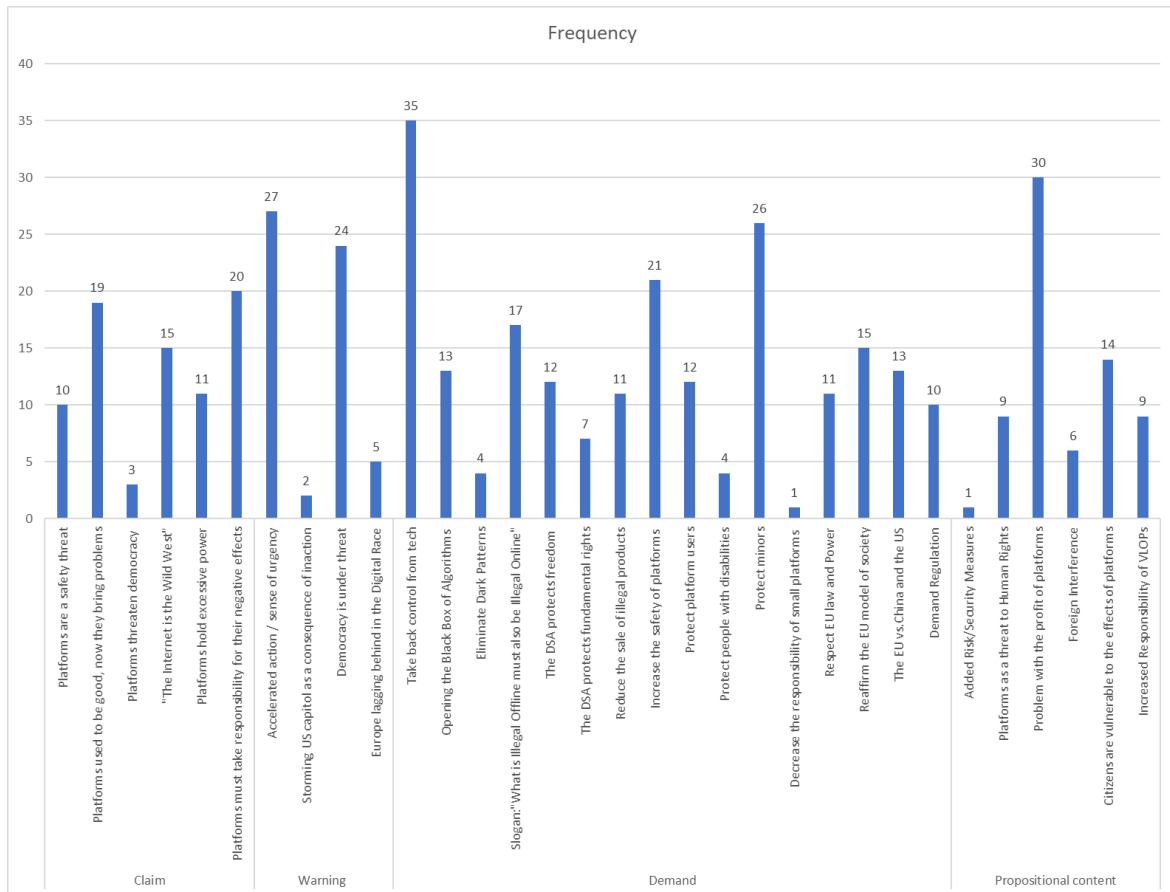
<https://doi.org/10.1177/0967010612463953>

Waldron, J. (2003). Security and Liberty: The Image of Balance. *The Journal of Political Philosophy*, 11(2), 191–210. <https://doi.org/10.1111/1467-9760.00174>

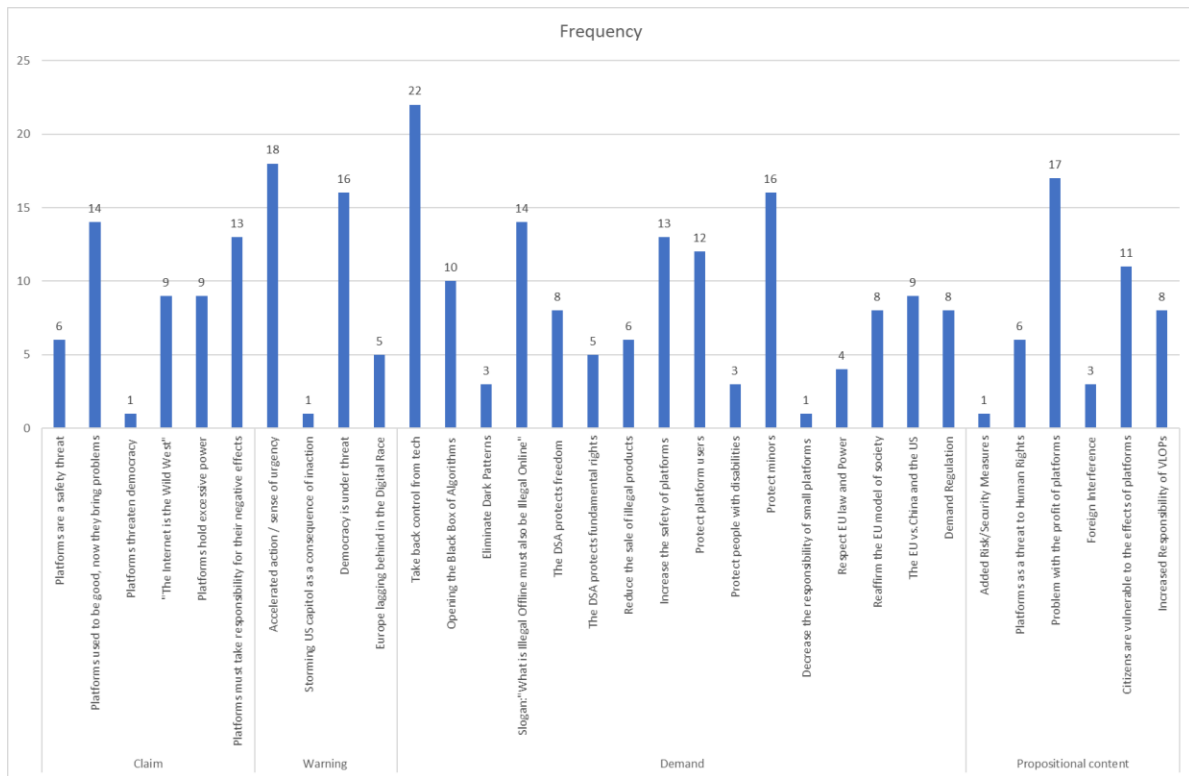
Williams, M. (2003). Words, Images, Enemies: Securitization And International Politics.

International Studies Quarterly 47 (4): 511-531. doi: 10.1046/j.0020-8833.2003.00277.

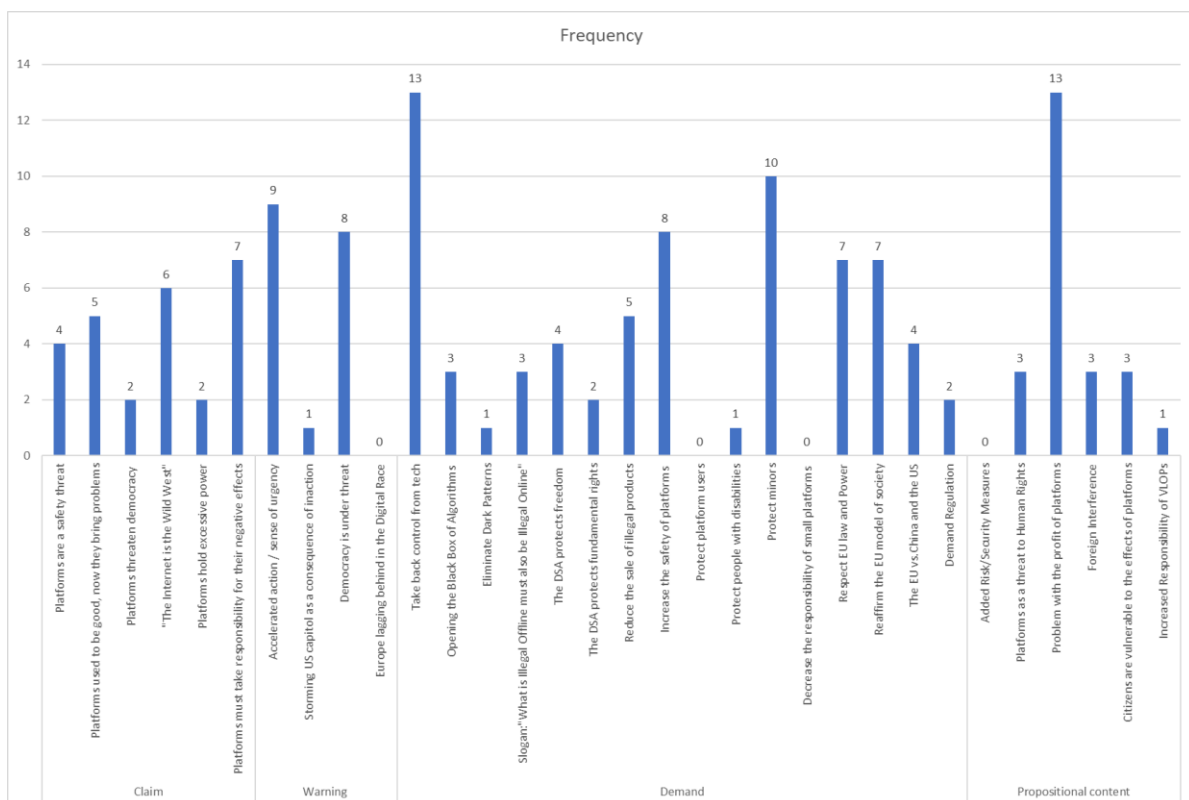
Appendix



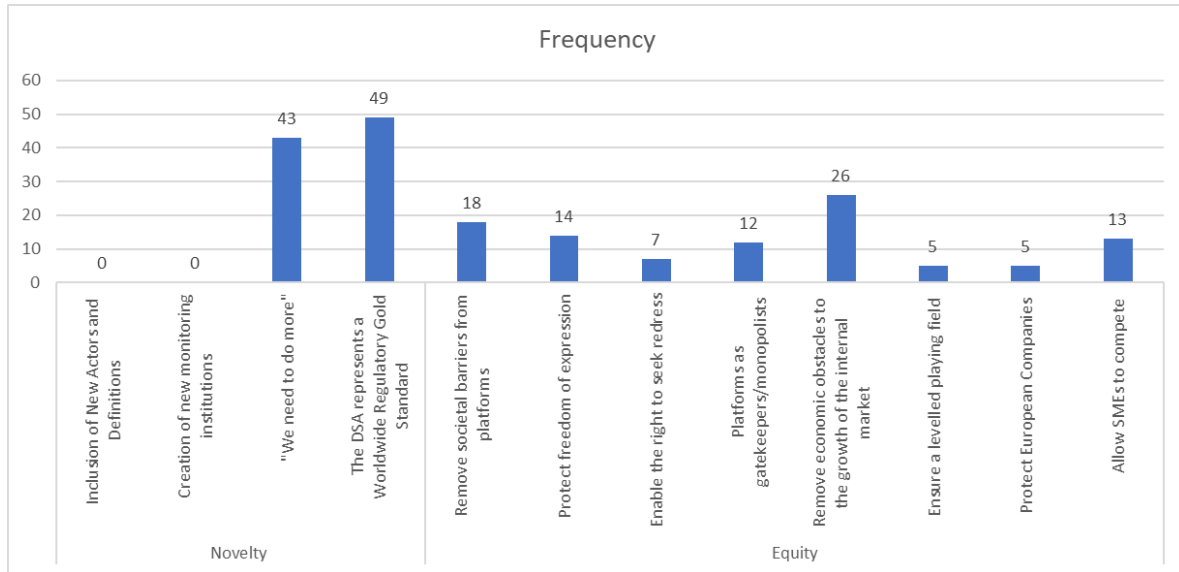
Appendix #1: Securitization found in debates by frame (Both debates)



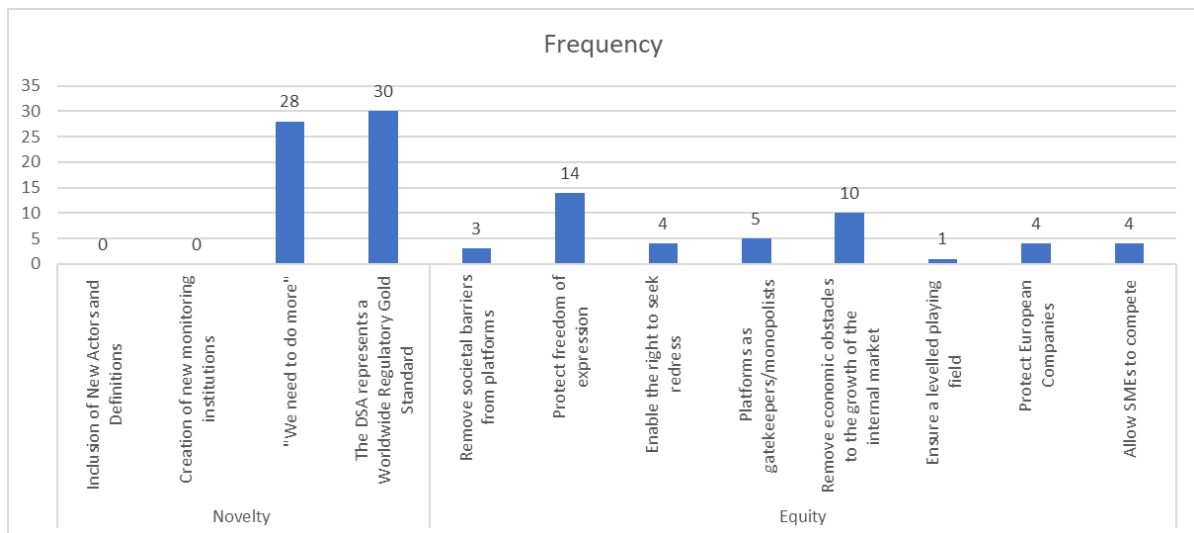
Appendix #2: Securitization found in debates by frame (Debate January 19, 2022 - Before Trialogues)



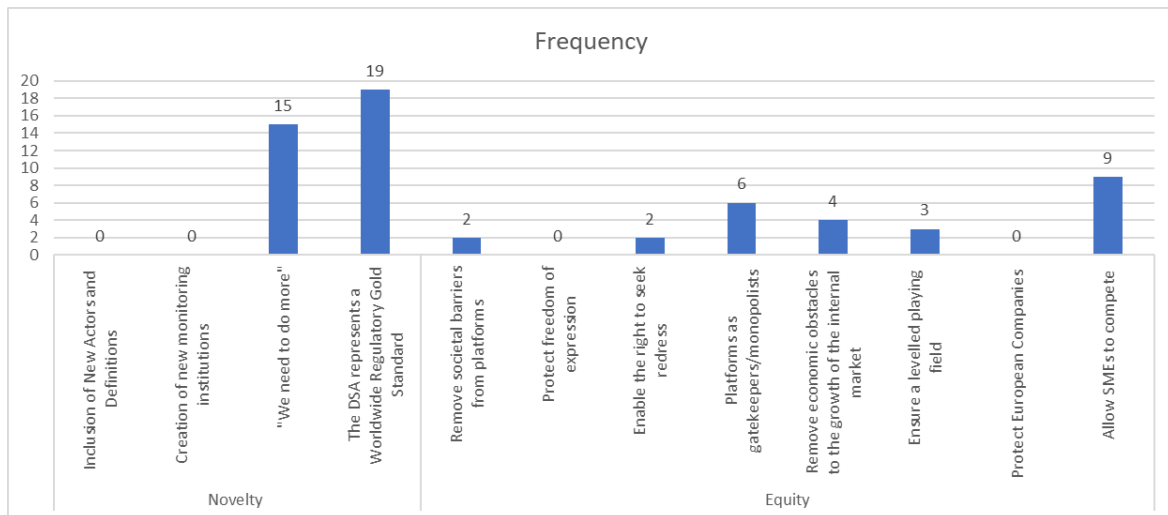
Appendix #3: Securitization found in debates by frame (Debate July 4, 2022 - After
Dialogues)



Appendix #4 Terms Novelty frame (all sources)



Appendix #5 Novelty (Debate January 19, 2022 - Before Dialogues)



Appendix #6 Novelty (Debate July 4, 2022- After Trialogues)

Documentary analysis:

Articles in the proposal	Trialogues	Increase in securitization	Final	Increase in securitization
Article 1: Subject Matter and Scope <i>Focuses on making the internet safer</i> Corresponds to: Demand (Take back control from tech)	No change	No	No change	No
Article 2: Definitions <i>Defines what is illegal content</i> Corresponds to: Claim (Platforms are a safety threat)	No Change	No	Now under Article 3. No changes.	No
Article 8: Orders to Act Against Illegal Content. <i>Establishes how to act against illegal content</i> Corresponds to: Demand (Increase the safety of platforms)	Just a few small provisions were added about the timing of requests.	No	Now under Article 9. No changes.	No
Article 14: Notice and Action Mechanisms. <i>Establishes the protocol to remove content</i> Corresponds to: Demand (Increase the safety of platforms)	No Change	No	Now under Article 16. No changes.	No
Article 20: Measures and Protection Against Misuse <i>Establishes protection measures</i> Corresponds to: Demand (Protect platform users)	No change in this article, but some provisions shifted to article 23. Interesting addition to article 23 (a) that says that platforms shall not design services that are made to deceive. Addition of article 24 (a) regarding the protection of minors. Addition 24 (d) regarding compliance by design.	Yes	Now under Article 23. No changes.	No
Article 21: Notification of Suspicious of Criminal Offences <i>Establishes how to notify against suspicious activities</i> Corresponds to: Propositional content (Added Risk / Security Measures)	Now under article 15 (a): Notification of Suspicions of Criminal Offences. No changes.	No	Now under Article 18. No changes.	No
Article 25: Very Large Platforms <i>Establishes that the larger the platform, the more power it holds</i> Corresponds to: Claim (Platforms Hold Excessive Power)	More provisions were added about how a Very Large Platform is designated. However, no substantial changes to the level of securitization.	No	Now under Article 33. No changes.	No
Article 26: Risk Assessment <i>Establishes that platforms are a source of risks</i> Corresponds to: Propositional Content (Citizens as vulnerable to the effects of platforms)	The scope was expanded to include algorithms and actual and foreseeable negative effects of online platforms. Inclusion of platforms' negative effects on gender violence and on the mental and physical health of individuals.	Yes	Now under Article 34. No changes.	No
Article 27: Mitigation of risks <i>Establishes that online platform developers must establish provisions to mitigate risks</i> Corresponds to: Warning (Accelerated action/sense of urgency)	Inclusion of provision to the designs and algorithms of platforms (ea, be, and ec). Special inclusion of deepfakes (ec).	Yes	Now under Article 35. No changes.	No
Article 37: Crisis protocols <i>Establishes a crisis protocol, as platforms can be catalysts for disinformation in a moment of crisis.</i> Corresponds to: Propositional content (Added Risk / Security Measures)	Now under Article 27 (a), and renamed "Crisis Response Mechanisms," This was a new inclusion after the Ukrainian – Russian conflict.	Yes	Now under article 36. No changes.	No
Article 50: Enhanced Supervision for Very Large Online Platforms <i>Establishes that VLOPS must be supervised further than smaller platforms because they present higher risks.</i> Corresponds to: Claim (Platforms hold excessive power)	Renamed "Enforcement of obligations of providers of very large online platforms and of very large online search engines" No changes in content.	No	Now under article 75. No changes.	No
			Article 92: Anticipated application to providers of very large online platforms and of very large online search engines. Corresponds to: Platforms hold excessive power.	Yes

Appendix #7: Analysis of articles for Securitization

Article in the proposal	Trialogues	Increase in novelty	Final Proposal	Increase in novelty
Article 2: Definitions. Definition of Digital Services Coordinator in point (j). Corresponds to: Novelty (Inclusion of new actors and definitions).	No changes.	No	Added definition of "commercial communication." However, it does not translate into a considerable change.	No
Article 17: Internal complaint system. A new service that platforms must provide under the DSA. Corresponds to: Novelty (Creation of new monitoring institutions).	No changes.	No	Now under Article 20. Change in point 6. Content removal decisions now must be made by including qualified staff, not only by automated means.	Yes
Article 19: Trusted flaggers. Establishes the definition of trusted flaggers as new actors that help in the monitoring of the platforms. Corresponds to: Novelty (Creation of new monitoring institutions).	Further explanation on reporting, no substantial changes.	No	Now under Article 22. No change.	No
Article 26: Risk Assessment. Under the DSA, VLOPS have to conduct a risk assessments on their services. Corresponds to: Novelty (Inclusion of new actors and definitions).	Introduction of the foreseeable negative effects of platforms (b).	Yes	Now under Article 34. No change.	No
Article 32: Compliance officers. Now VLOPS must appoint a compliance officer to make sure that they are complying with the DSA. Corresponds to Novelty: (Creation of new monitoring institutions).	Now it is not sufficient to appoint a compliance officer, but the DSA establishes that a whole compliance function should be set up in the offices of VLOPS.	Yes	Now under Article 41. No change.	No
Article 37: Crisis protocols. Now platforms are invited to develop crisis protocols in case of extreme events. Corresponds to Novelty: ("We need to do more").	No change.	No	Now under article 48. No change.	No
Article 47: European Board of Digital Services. Now there is a specific board (institution) to handle digital services. Corresponds to Novelty: (Creation of new monitoring institutions).	Now under Articles 47 & 48. Article 48 (1a), now establishes that the European Commission will chair the boards of Digital Services, giving more power to this organ.	Yes	Now under Article 61. No change.	No
Article 70: Committee. Establishes a Digital Services Committee. Corresponds to Novelty: (Creation of new monitoring institutions).	No change.	No	Now under Article 88. No change.	No
	Article 27a: Crisis response mechanism. Corresponds to Novelty ("We need to do more").	Yes	Now under Article 36. No change.	No

Appendix #8: Analysis of articles for Novelty

Article	Trialogues	Increase in Equity	Final proposal	Increase in Equity
Article 1: Subject matter and scope. Point (1) establishes that the DSA is meant to contribute to the proper functioning of the internal market. Corresponds to: Equity (Remove economic obstacles to the growth of the internal market).	Now under Article 2: Definitions. Point (qa). Added the definition of "person with disabilities" to highlight them as an included stakeholder in the regulation.	Yes	Small changes. However, nothing mentions or alludes to increasing equity.	No
Article 35: Codes of Conduct. The DSA now involves civil society in the control of platforms. Corresponds to Equity: (Enable the right to seek redress).	No change.	No	Now under Article 47. No change.	No
Article 36: Codes of Conduit for Online Advertisement. This establishes that advertisements must now be competitive, transparent, and fair. Corresponds to: Equity (Ensure a leveled playing field).	No change.	No	Now under Article 46. No change.	No
	Article 12: Terms and Conditions. Point (1c). If the platform is directed to minors, the terms and conditions should be explained in a language understandable by minors. And point 2a, where terms and conditions need to be drafted in an understandable, non-technical language. Corresponds to: Equity (Ensure a leveled playing field).	Yes	Now under Article 14. No change.	No
	Article 23 (a): Online interface design and organization. Provision that establishes that platforms shall not be designed in a way that distorts reality. Corresponds to: Equity (Protect freedom of expression).	Yes	Now under Article 25. No change.	No
	Article 26: Risk Assessment. Point (ca). Now minors and women are included as a highlighted group. Corresponds to: Equity (Remove societal barriers from platforms).	Yes	Now Under Article 34. No change.	No

Appendix #9: Analysis of articles for Equity