



Legal Challenges of the TikTok Platform within the European Union Framework: The Case of Albania

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Abstract: *In the contemporary digital landscape, social media platforms have transcended their initial purpose of facilitating personal connections, evolving into influential arenas for information dissemination, entertainment, commerce, and political engagement. This evolution underscores the necessity for comprehensive legal framework that addresses the multifaceted challenges posed by these platforms, particularly concerning user rights, content regulation, and platform accountability. The European Union's Digital Service Act (DSA) represents a significant legislative advancement aimed at creating a safer and more transparent online environment. By imposing obligations on very large online platforms, the DSA seeks to mitigate systemic risks and ensure the protection of fundamental rights within the digital sphere. This paper examines the legal challenges associated with the operation of TikTok within the European Union, with a specific focus on Albania's regulatory response. In early 2025, the Albanian government implemented a one-year suspension of TikTok, citing concerns over the platform's impact on youth behavior and public safety. This action has sparked a national debate on the balance between safeguarding minors and upholding freedom of expression. Through an analysis of the existing legal frameworks and the specific measures adopted by Albania, this study explores the complexities of regulating digital platforms in a manner that protects vulnerable populations without infringing upon fundamental rights. The paper aims to provide insights into the development of balanced legal strategies that align with European standards while addressing national concerns.*

Keywords: *online platforms; TikTok; Digital Services Act; social media*

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1. Introduction

Since the inception of the internet, online platforms have experienced rapid and transformative growth. In the early 1990s, the emergence of social platforms enabled users to access and share content, marking a significant shift in digital communication¹. Subsequently, e-commerce platforms such as eBay and Amazon were established, laying the foundation for the digital economy. Initially serving as simple intermediaries between buyers and sellers, these platforms have evolved into pivotal players in the global digital marketplace, driven by technological advancements. Their expanding influence necessitates the implementation of legal frameworks to regulate their operations and responsibilities. As these platforms continue to diversify and evolve, they exert substantial impacts on both economic structures and societal interactions.

Despite their prominence, there remains a lack of consensus across disciplines, including computer science, economics, and law, regarding a unified definition of online platforms². This ambiguity underscores the complexity inherent in their design and function, presenting challenges for regulatory and scholarly discourse.

In its 2017 Resolution, the European Parliament stated that “it would be very difficult to arrive at a single, legally significant and future proof definition of online platforms at the EU level due to factors such as the wide variety of existing types of online platforms and their fields of activity, as well as the rapidly changing environment of the digital world”, further asserting that “in any case, a single EU wide definition or a ‘one-size-fits-all’ approach would not help the EU succeed in the platform economy”. Ultimately, the European Parliament argued that “online platforms should be distinguished and protected under specific sector-related legislation at the EU level according to their characteristics, classifications, and principles, and by following a problem-oriented approach.”³

More than just a complex concept with varying interpretations, platforms have been defined according to their characteristics, classifications, and principles within specific sectoral legislation. On October 19th 2022, the European Parliament and Council adopted the regulation on a Single Market for Digital Services and the amendment of Directive 2000/31/EC (the *Digital Services Act*), thereby creating a comprehensive and advanced legal framework to regulate online platform. This act was designed to ensure a safer,

¹ <https://publer.com/blog/the-first-social-media-platform/>

² European Parliament resolution of 15 June 2017 on online platforms and the digital single market, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=oj:JOC_2018_331_R_0020

³ European Parliament resolution of 15 June 2017 on online platforms and the digital single market, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=oj:JOC_2018_331_R_0020, para. 6-7

fairer, and more transparent online space and has been fully enforced since February 2024.

The DSA regulates online platforms and intermediaries, including social networks, content-sharing platforms, marketplaces, app stores, online travel and accommodation platforms.

Its main goal is to prevent illegal and harmful activities online and the spread of disinformation. This legal act ensures user safety, protects fundamental rights, and fosters a fair and open online platform environment. For online platforms such as social networks or marketplaces, the act aims to ensure greater transparency and stronger regulatory oversight.

This regulation provides the definition of online platforms, according to which is: *"online platform means a hosting service that, at the request of a recipient of the service, stores and disseminates information to the public, unless that activity is a minor and purely ancillary feature of another service or a minor functionality of the principal service and, for objective and technical reasons, cannot be used without that other service, and the integration of the feature or functionality into the other service is not a means to circumvent the applicability of this Regulation"*¹.

Under the European Union's Digital Services Act (DSA), online platforms and search engines with more than 45 million monthly active users within the EU are designated as Very Large Online Platforms (VLOPs) or Very Large Online Search Engines (VLOSEs)². This classification subjects them to the most stringent obligations under the DSA, reflecting their significant impact on the digital ecosystem. On 25 April 2023, TikTok was designated as a VLOP following its declaration of having 135.9 million monthly active users in the EU. As a VLOP, TikTok is required to comply with enhanced regulatory requirements aimed at mitigating systemic risks and ensuring greater accountability³. These obligations include conducting comprehensive risk assessments to address potential harm such as the dissemination of illegal content, threats to public security, and adverse effects on fundamental rights. Additionally, TikTok must implement robust content moderation practices, ensure algorithmic transparency, and provide users with clear information regarding advertising and content curation processes. These measures are designed to foster a safer and more transparent online environment for users across the EU. With the approval of the DSA, new rules have been adopted, especially related to the protection of minors. Platforms are required to supervise their risk management measures through independent audits, particularly concerning issues such as disinformation, election manipulation, and cyber violence

¹ <https://eur-lex.europa.eu/eli/reg/2022/2065/oj/eng>

² <https://digital-strategy.ec.europa.eu/en/policies/list-designated-vlops-and-vloses>

³ <https://digital-strategy.ec.europa.eu/en/policies/dsa-vlops>

targeting vulnerable groups. These provisions aim to create a safer digital environment for all users, especially children and adolescents.

Beyond transparency requirements, the DSA imposes due diligence obligations upon VLOPs to identify, analyse, assess and mitigate some categories of systemic risks: (i) illegal content, (ii) actual or foreseeable negative effects on the exercise of fundamental rights as protected by the Charter, (iii) actual or foreseeable negative effects on civic discourse and electoral processes, and public security, and (iv) actual or foreseeable negative effect in relation to gender-based violence, the protection of public health and minors and serious negative consequences to the person's physical and mental well-being¹. Specifically, according to the DSA Act, TikTok, as a very large online platform, has the duty to: establish a point of contact for authorities and users; report criminal offenses; have user friendly terms and conditions; be transparent as regards advertising, recommender systems or content moderation decisions; identify, analyze, and assess systemic risks that are linked to their services². They should look to risks related to: illegal content; fundamental rights, such as freedom of expression, media freedom and pluralism, discrimination, consumer protection and children's rights; public security and electoral processes; gender-based violence, public health, protection of minors, and mental and physical wellbeing.

They also have to: establish an internal compliance function that ensures that the risks identified are mitigated; be audited by an independent auditor at least once a year and adopt measures that respond to the auditor's recommendations; share their data with the Commission and national authorities so that they can monitor and assess compliance with the DSA; allow vetted researchers to access platform data when the research contributes to the detection, identification and understanding of systemic risks in the EU; provide an option in their recommender systems that is not based on user profiling; have a publicly available repository of advertisement³.

Under article 56 of DSA, the European Commission is the primary regulatory authority for very large online platforms and very large online search engines, while other platforms and search engines will be under the supervision of Member States where the service provider has its main establishment⁴. This dual level regulatory framework ensures that while the Commission addresses the cross-border implications of major platforms, Member States maintain oversight of services primarily operating within their jurisdictions.

¹ Ranganathan, Nayanatara "Regulating influence, timidly", 04 November 2022, available at: <https://verfassungsblog.de/dsa-regulating-influence/>

² <https://digital-strategy.ec.europa.eu/en/policies/dsa-vlops>

³ Idem.

⁴ <https://eur-lex.europa.eu/eli/reg/2022/2065/oj/eng>

An EU-wide cooperation mechanism is currently being set up between national regulators and the Commission. The European Commission has also set up a whistleblower mechanism, which is a way for anyone to contact the Commission anonymously to contribute to the Commission's monitoring of compliance through Very Large Online Platforms (VLOPs) and Very Large Online Search Engines (VLOS)¹.

TikTok is subject to a broad regulatory framework that includes internal platform rules and international laws, particularly in the European Union and the United States. On April 25, 2023, TikTok reported having 135.9 million monthly active users in the EU². As subject under the DSA rules, since February, when this act came into force, official procedures have been opened against it to assess whether TikTok may have violated the Digital Services Act (DSA). On 19 February 2024, the European Commission opened formal proceedings to assess whether TikTok may have infringed the Digital Services Act (DSA) in the areas related to the protection of minors, transparency of advertising, access to data for researchers, risk management of addictive design and harmful content. Based on the preliminary investigation carried out, including an analysis of the risk assessment report submitted by TikTok in September 2023, as well as TikTok's responses to the Commission's formal Requests for Information (on illegal content, protection of minors and access to data), the Commission opened formal proceedings against TikTok under the Digital Services Act. The proceedings were focused on the following areas: the compliance with the DSA obligations related to the assessment and mitigation of systemic risks, including algorithmic systems, that may stimulate behavioural addictions and/ or create so-called "rabbit hole effects"³; the compliance with DSA obligations to put in place appropriate and proportionate measures to ensure a high level of privacy, safety and security for minors, particularly with regard to default privacy settings for minors as part of the design and functioning of their recommender systems; the compliance with DSA obligations to provide a searchable and reliable repository for advertisements presented on TikTok; the measures taken by TikTok to increase the transparency of its platform⁴. The investigation concerns suspected shortcomings in

¹ <https://digital-services-act-whistleblower.integrityline.app/>

² https://ec.europa.eu/commission/presscorner/detail/en/ip_24_926

³ "It is feared that TikTok uses systems that may stimulate behavioural addictions and/or create a so-called "rabbit hole effect", meaning that due to the specific addictive algorithms used by the company, users may be led towards videos that become more extreme." <https://www.brusselstimes.com/932423/rabbit-hole-effect-european-commission-opens-formal-investigation-into-tiktok>

The term "rabbit hole effect" is widely used in today's digital world and describes the phenomenon where a person, often unconsciously, dives deep into a specific topic or set of topics when they were originally just looking for a simple piece of information. <https://awiebe.org/en/rabbit-hole-effect/>

⁴ https://ec.europa.eu/commission/presscorner/detail/en/ip_24_926

giving researchers access to TikTok's publicly accessible data as mandated by Article 40 of the DSA.

On November, 2024 European Commission opened formal proceedings against TikTok for a suspected breach of the Digital Services Act (DSA) in relation to TikTok's obligation to properly assess and mitigate systemic risks linked to election integrity, notably in the context of the recent Romanian Presidential Elections on 24 November related to the following issues: TikTok's recommender systems, notably the risks linked to the coordinated inauthentic manipulation or automated exploitation of the service, TikTok's policies on political advertisements and paid-for political content, not taking into account the regional and linguistic aspects of election interference¹.

On 15 May 2025, the European Commission finds out that TikTok does not fulfil the Digital Services Act (DSA)'s obligation to publish an advertisement repository.² Preliminary investigation reports that TikTok does not provide the necessary information about the content of the advertisements, the users targeted by the ads, and who paid for the advertisements. Moreover, TikTok's advertisement repository does not allow the public to search comprehensively for advertisements based on this information, thereby limiting the usefulness of the tool³.

Meanwhile, in the United States, the Protecting Americans from Foreign-Controlled Apps Act requires the Chinese company TikTok to allow a domestic company to control Americans' data and has set a nine-month deadline for this situation; otherwise, the platform will be blocked nationwide, based on the principle of the national security. On January 17, 2025, the United States Supreme Court ruled unanimously in favor of the Protecting Americans from Foreign-Controlled Apps Act, declaring it constitutional and rejecting claims by TikTok Inc. and its users that the law violated the First Amendment of the Constitution.⁴ The Supreme Court's

¹https://ec.europa.eu/commission/presscorner/detail/en/ip_24_6487

² According to the official website, TikTok's Commercial Content Library (CCL) is a repository of ads and other commercial content posted on TikTok. There are two main sub-libraries within the CCL:

- Ad Library: This library features ads that we're paid to display to people, including those that aren't currently active or have been paused by the advertisers.
- Other commercial content: This library features content that we're not paid to display, including content that promotes a brand, product, or service.

The CCL currently includes information on ads available to users in the European Economic Area (EEA), Switzerland, and the U.K.

<https://support.tiktok.com/en/account-and-privacy/personalized-ads-and-data/commercial-content-library>

³ https://ec.europa.eu/commission/presscorner/detail/en/ip_25_1223

⁴ Supreme Court of the United States, January 17 2025, TikTok inc., et al., petitioners vs. Merrick B. Garland, Attorney General Brian Firebaugh, et al., Petitioners vs. Merrick B.

ruling underscores the government's authority to regulate foreign-controlled applications that pose national security risks, while also delineating the boundaries of constitutional protections in the digital age.

2. Impact on Children

The digital environment of TikTok has raised significant concerns regarding its impact on minors and adolescents. The platform's algorithm-driven content delivery can expose young users to harmful material, including dangerous challenges and cyberbullying, which may adversely affect their mental and emotional well-being. Various games or challenges are global trends, becoming an important and challenging aspect of the life and development of adolescents. But the spread of this phenomenon can have not only serious and long-term consequences on their emotional and psychological development, but also fatal consequences, with loss of life.

In 2021, a Wall Street Journal investigation found that TikTok inundated child and teen users with videos of quick weight loss methods, including advice on how to eat less than 300 calories a day, and encouraged a "corpse bride diet," showing emaciated girls with protruding bones. The journalistic investigation involved the creation of a dozen automated accounts registered as thirteen-year-olds and found that TikTok's algorithm-driven "For You" page, a section of the platform that algorithmically recommends content to users, fed the teen accounts tens of thousands of weight loss videos within just a few weeks of joining the platform.¹ Another report from the Center for Countering Digital Hate (CCDH) in December 2022 reveals the scale and intensity with which TikTok is bombarding vulnerable teens with dangerous content that can encourage self-harm, suicide, and eating disorders through its "For You" option². Researchers from CCDH studied and recorded the first thirty minutes of content automatically recommended by TikTok to these accounts on their "For You" page by creating new social media accounts posing as thirteen-year-old girls in the United States, United Kingdom, Australia, and Canada. The study found that the volume of harmful content shown on vulnerable accounts (i.e., with the term "weight loss" in the username) was

Garland, Attorney General, available at: https://www.supremecourt.gov/opinions/24pdf/24-656_ca7d.pdf

¹ Hobbs, Tawnell D. et al. "The Corpse Bride Diet: How TikTok Inundates Teens with Eating-Disorder Videos", available at: <https://www.wsj.com/articles/how-tiktok-inundates-teens-with-eating-disorder-videos-11639754848>

² Center for Countering Digital Hate "TikTok bombards teens with self harm and eating disorder content within minutes of joining the platform", Press Release, available at: <https://counterhate.com/blog/tiktok-bombards-teens-with-self-harm-and-eating-disorder-content-within-minutes-of-joining-the-platform/>

significantly higher than that shown on standard accounts¹. Social media algorithms that push extreme content to vulnerable young people are linked to a sharp increase in mental health problems in adolescents, including poor body image, eating disorders and suicide. The Center for Countering Digital Hate (CCDH), in November 2023, compiled a report analyzing the risks to user safety on video-sharing platforms, mainly TikTok². According to this report, there are several current risks to user safety:

➤ Algorithmic Promotion of Harmful Content Related to Eating Disorders and Self-Harm

TikTok's content recommendation system has been observed to rapidly expose adolescent users to material concerning eating disorders and self-harm. Research indicates that within minutes of engaging with the platform, teenagers are presented with content related to suicide and disordered eating behaviors. Specifically, suicide-related content may appear within approximately 2.6 minutes, while content promoting eating disorders can surface within 8 minutes. Moreover, users exploring topics on body image and mental health reportedly receive similar content suggestions at intervals as frequent as every 39 seconds. Notably, accounts with usernames containing terms like “loseweight” are subjected to a higher frequency of harmful content, including a threefold increase in exposure to detrimental material and a twelvefold increase in self-harm-related videos. The prevalence of hashtags associated with eating disorders, amassing over 13.2 billion views, underscores the extensive reach and potential influence of such content on the platform.

➤ Promotion of Hazardous Substances and Prohibited Steroids

Influencers on TikTok have been identified promoting the use of banned anabolic steroids within the United Kingdom, often utilizing discount codes and affiliate marketing strategies to facilitate sales. Content endorsing these substances has garnered significant attention, with view counts reaching approximately 117 million within the UK. Alarming, some of these promotional materials encourage underage viewers to conceal steroid usage from guardians or suggest initiation of use during adolescence. Investigations have linked 35 influencers to 13 distinct websites retailing these prohibited substances, collectively reaching an audience of 1.8 million followers. Such practices raise substantial public health concerns, given the potential physical and psychological risks associated with unauthorized steroid consumption, particularly among impressionable youth.

¹ Idem.

² Center for Countering Digital Hate “TikTok bombards teens with self harm and eating disorder content within minutes of joining the platform”, Press Release, available at: <https://counterhate.com/blog/tiktok-bombards-teens-with-self-harm-and-eating-disorder-content-within-minutes-of-joining-the-platform/>

Considering the evidence presented, it is evident that TikTok's algorithmic content delivery system has significant implications for the mental and physical well-being of its young users. The platform's propensity to rapidly expose adolescents to harmful content related to eating disorders, self-harm, and the promotion of dangerous substances underscores the urgent need for comprehensive regulatory measures. While TikTok has implemented certain content moderation policies, the persistence and prevalence of such content suggest that these measures are insufficient. Therefore, it is imperative for policymakers, educators, and guardians to collaborate in developing and enforcing strict guidelines that prioritize the safety and health of minors in the digital space. By fostering a more accountable and transparent online environment, we can mitigate the risks posed by algorithm-driven content and safeguard the well-being of vulnerable populations.

3. The Case of Albania

The TikTok platform is an attractive application that is widely used in Albania. Its popularity lies in the opportunity it offers to create and share short, fast-paced videos, which are often accompanied by music, challenges, and special effects. Users can express their creativity and engage in global trends. Despite all the efforts and the process of adapting Albanian legislation to European legal framework, there is no adequate legal regulation for online platforms. Law no. 97/2013 "On the audiovisual media in the Republic of Albania" applies to linear audiovisual broadcasts, non-linear audiovisual broadcasts and their supporting services, as well as to the services of video distribution platforms¹. The Law no. 54/2024 On Electronic Communications in the Republic of Albania" applies to electronic communications networks and services provided through them in the Republic of Albania but it does not apply to the content of services provided through electronic communications networks and their supporting services². TikTok employs algorithmic systems to monitor and moderate content, aiming to remove harmful material. However, in the context of Albania, these systems face limitations due to the platform's insufficient capabilities in detecting and identifying harmful content in the Albanian language. Consequently, content that may be detrimental to users, particularly minors, can remain accessible for extended periods. Albania's relatively small market size may contribute to the lack of targeted investment in developing and implementing effective content moderation tools for the Albanian language. As a result, users in Albania primarily rely on manual reporting mechanisms to flag harmful content. This process can be time-consuming and may not provide timely

¹ <https://ama.gov.al/wp-content/uploads/2020/07/Ligj-nr.97-2013-P%C3%ABr-Mediat-Audiovizive-n%C3%AB-Republik%C3%ABn-e-Shqip%C3%ABris%C3%AB.pdf>

² <https://akep.al/wp-content/uploads/2024/10/ligj-2024-05-30-54.pdf>

intervention, potentially leading to adverse outcomes for affected individuals. Moreover, the absence of comprehensive legal and logistical frameworks in Albania hinders the ability to trace and hold accountable individuals who upload harmful content. This gap in regulation underscores the need for enhanced measures to protect users and ensure a safer digital environment.

Under Albania's Law no. 54/2024 on Electronic Communications, the Electronic and Postal Communications Authority (AKEP), in collaboration with law enforcement agencies such as the police and the prosecutor's office, possesses the technical capability to identify the internet service provider (ISP) through which specific online content is uploaded. However, this framework does not extend to pinpointing the individual end-user responsible for the content. In the Albanian-language TikTok platform has been reported to host content containing derogatory language, depictions of child sexual abuse, and materials that influence youth toward the use of prohibited items such as cold weapons and narcotic substances, as well as guidance on illegal border crossings. Furthermore, the platform has been utilized for blackmail and threats among users, incidents that have, in some cases, escalated to physical harm and threats to life¹. These issues underscore the necessity for enhanced regulatory measures and technological investments to monitor and mitigate the dissemination of harmful content, ensuring the safety and well-being of users, particularly minors, in the digital environment. In August 2024, the Audiovisual Media Authority (AMA) of Albania initiated a collaborative effort with TikTok to mitigate the dissemination of harmful content on the platform. This partnership focuses on prohibiting materials that depict or incite violence, propagate hate speech, infringe upon children's rights, or violate fundamental human rights and freedoms. As part of this initiative, AMA established an official TikTok channel to highlight content identified as harmful by its monitoring teams, facilitating prompt action by the platform. Additionally, a dedicated reporting mechanism was introduced on AMA's official website, enabling citizens to report inappropriate content encountered on TikTok. Between August and December 2024, this collaborative framework resulted in the submission of 743 complaints, of which 291 were deemed legal violations, leading to the removal of 286 audio-visual materials from the platform, while five remained under review². According to the official records of the Electronic and Postal Communications Authority (AKEP), a significant portion of reported cases pertain to the TikTok platform³. This trend

¹ Teliti, E. Stasa, O. "TikTok, human rights versus government decision-making in Albania" <https://digieffect.eu/tiktok-human-rights-versus-government-decision-making-in-albania>

² <https://ama.gov.al/transparence-ama-tiktok-mbi-1200-video-te-bllokuara-per-pirateri/>
Teliti, E. Stasa, O. "TikTok, human rights versus government decision-making in Albania" <https://digieffect.eu/tiktok-human-rights-versus-government-decision-making-in-albania>

³ <https://akep.al/publikime/lista-e-domaineve-linkeve-per-bllokim-aksesi/>

underscores the growing concern regarding the platform's content and its impact on Albanian users. In response to these concerns, the Audiovisual Media Authority (AMA) adopted Decision no. 128, dated 23.12.2024, approving the regulation "On the special requirements for video sharing platform providers"¹. This regulation, aligned with Directive (EU) 2018/1808, aims to establish transparent, effective, and user-friendly systems for content monitoring and complaint mechanisms. The implementation of this regulation signifies a proactive step towards enhancing the accountability of video-sharing platforms and safeguarding the digital environment for Albanian users. The regulation sets out a clear framework of responsibilities for video-sharing platforms operating in or targeting the Albanian public, aiming to build a digital space that is both safe and respectful of fundamental rights. First and foremost, platforms are required to take concrete steps to protect minors from exposure to content that could harm their physical, emotional, or moral development. Additionally, any material that promotes hate, whether based on race, gender, ethnicity, religion, or nationality, must be swiftly identified and removed. To empower users, platforms must offer simple, accessible tools for reporting illegal or inappropriate content, allowing for faster intervention. Transparency is also a key obligation, so the platforms must clearly indicate when content is sponsored or part of an advertisement, so users can distinguish between organic and paid content. Importantly, while these measures aim to enhance user protection, especially for vulnerable groups like children, they must be applied in a way that does not restrict freedom of expression. This means avoiding excessive filtering or any form of pre-screening of content before it is uploaded. The goal is to strike a fair balance between protecting users and preserving the open, participatory nature of digital platforms.

Albania has witnessed several alarming incidents linked to social media use, including cases involving loss of life, harassment, attempted suicides, and even sexual exploitation. One of the most disturbing cases occurred on November 20, 2024, when a 14-year-old boy in Tirana was fatally stabbed by another teenager. The confrontation reportedly originated from online exchanges². Tragically, what began as digital provocation culminated in real-world violence, shocking the Albanian public not only due to the brutality involved but also because it was driven and amplified by youth engagement online. In response to the public outcry and growing concerns over the role of social media in such violent incidents, the Prime Minister announced a drastic intervention, the suspension of TikTok across Albania

¹ https://ama.gov.al/ova_doc/rregullore/

² <https://shqiptarja.com/lajm/tiktoku-ne-shqiperi-ka-efektin-e-droges-rama-ta-heqim-kete-shok-te-keq-nga-duart-e-femijeve-te-vendosen-sanksione-mesuesja-po-bie-rol-i-jone>

for a one-year period. The platform, however, challenged the decision, arguing that no direct evidence had been presented to prove its involvement in the tragedy¹.

In an official effort to mitigate the harmful effects of online platforms, particularly regarding the promotion of violence among children, the risks to their psychological and social development, and issues surrounding personal data protection, the Council of Ministers issued Decision no. 151, dated 06.03.2025². This measure mandated the temporary suspension of TikTok throughout the Republic of Albania for up to 12 months. According to the decision, access to the platform will remain restricted until TikTok implements effective technical safeguards to control minors' access and limit exposure to harmful content. However, this decision was met with immediate resistance from civil society and various interest groups, who argued that the suspension of TikTok was inconsistent with the Constitution of the Republic of Albania and with the principles provided in the European Convention on Human Rights. The controversy intensified as the decision coincided with Albania's parliamentary elections, held on May 11, 2025. The timing, just before the start of the electoral campaign, sparked widespread concerns over potential restrictions on freedom of expression. Many interpreted the move as an attempt to limit political discourse among Albanian users during a critical democratic process. Fears were also raised about the potential for unregulated political propaganda on TikTok, misuse of campaign funding, and foreign interference, which may have contributed to the government's decision. Opposition parties and various political figures sharply criticized the ban, describing it as a form of censorship and labeling it an act of authoritarianism, intolerance, and fear of open debate. Meanwhile, many influencers and small business owners who rely on TikTok for outreach and marketing expressed concerns about the negative economic impact the suspension could have on their livelihoods³. A group of activists to protect freedom of expression and the right to information have filed a legal complaint with the Constitutional Court⁴.

From a legal and procedural standpoint, the suspension of TikTok in Albania presents several critical concerns regarding transparency, proportionality, and democratic accountability. The lack of a formal public consultation process prior to the adoption of the Council of Ministers' decision constitutes a serious procedural

¹ Teliti, E. Stasa, O. "TikTok, human rights versus government decision-making in Albania" <https://digieffect.eu/tiktok-human-rights-versus-government-decision-making-in-albania>

² <https://www.qbz.gov.al/eli/vendim/2025/03/06/151/3585db2a-e5ab-4646-b4aa-d3f91bb1b84e;q=tiktok>

³ Teliti, E. Stasa, O. "TikTok, human rights versus government decision-making in Albania" <https://digieffect.eu/tiktok-human-rights-versus-government-decision-making-in-albania>

⁴ This lawsuit has not yet been made public, but the authorities have received it from the parties that have initiated the case with the Constitutional Court.

shortcoming. In a democratic system governed by the rule of law, major regulatory actions, especially those impacting fundamental rights such as freedom of expression and access to information, require inclusive dialogue with civil society, digital rights experts, and other stakeholders. The absence of such engagement raises questions about the legitimacy of the process and its alignment with Albania's constitutional obligations. The timing of the decision, shortly before the launch of the national parliamentary election campaign, has raised doubts as to its underlying intent. The restriction of access to a major communication platform during a politically sensitive period could be interpreted as an attempt to curtail digital political expression, thereby undermining electoral transparency and the free flow of information. Even if the stated goal was the protection of minors and public order, any such limitation must be demonstrably necessary, proportionate, and clearly justified in accordance with international legal standards. In comparative international practice underscores the need for legal precision and proportionality when restricting digital platforms. Precedents in other jurisdictions have shown that sudden or poorly substantiated restrictions, absent judicial oversight or robust legal frameworks, may violate international human rights instruments, including the European Convention on Human Rights, to which Albania is a party. Without clear legal justification and procedural safeguards, such measures risk setting a precedent for overreach and eroding public trust in regulatory institutions.

The forthcoming decision of the Constitutional Court will serve as a crucial benchmark in assessing the legitimacy of the concerns raised by civil society, media actors, and digital rights experts. It will determine whether the government's action constitutes a justified regulatory intervention or a disproportionate restriction imposed without a clear legal framework or evidence-based assessment of the platform's societal impact. In parallel, it is essential that TikTok be held to a higher standard of accountability by presenting a comprehensive and transparent safety strategy. This strategy should include tangible, verifiable measures aimed at empowering parental oversight and ensuring stronger protections for minors within the digital environment.

4. Last Remarks

In conclusion, while Albania has taken important steps toward aligning its media and digital regulatory frameworks with European standards, particularly in the context of audiovisual media and online platforms, significant gaps remain. The current regulatory efforts, though promising, are still in an early phase and must evolve to meet the complex challenges posed by digital platforms like TikTok. Ensuring the protection of minors, addressing harmful content, and guaranteeing freedom of expression require not only legal harmonization with the EU *acquis* but

also practical, enforceable mechanisms. This includes stronger institutional capacities, clearer responsibilities across agencies, and proactive cooperation with global platforms. Ultimately, the safeguarding of users, especially the most vulnerable, depends on Albania's ability to balance the demands of digital freedom with the imperatives of safety, accountability, and human rights. A forward-looking, inclusive, and well-coordinated approach will be essential to creating a secure and democratic digital environment for all.

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