

Best Practices for a functioning, user-friendly and sustainable ODS Sector

ODS Network Position Paper - Updated following the ODSN paper from 23 February 2026

The **Out-of-Court Dispute Settlement Network (ODS Network / ODSN)**, comprising certified ODS Bodies in the EU, has the following objectives for the best practices setting process:









- 1) Ensure basic functioning of the process across both VLOPs and smaller platforms in an efficient and effective way**
- 2) Ensure users are aware of their rights, able to use them, and are satisfied with the process**
- 3) Ensure that ODS bodies are capable of establishing a stable financial foundation for their operations**

Towards these ends, the ODS Network would like to make the below submission to both the Best Practice Recommendations (BPR) Group as well as the European Commission study conducted by Milieu Consulting.

The below input should be considered as part of a wider discussion and not as a unilateral interpretation of the legislation, for which we duly defer to regulators. The position paper follows the logic of the submissions of 23 February 2026, classifying issues into two categories: Issues in the first category include those where there is an immediate need for regulatory guidance, while issues in the second category do not require immediate guidance at this stage. Each category also includes a prioritisation of issues.

By virtue of the drafting of Article 21, ODS bodies have been certified by different national Digital Services Co-ordinators (DSCs) to operate according to their respective rules of procedure and expertise. This paper aims to reflect shared positions in regards to potential best practices. The ODS Network will supplement this paper with additional information as necessary throughout the BPR process. The ODS Network is grateful for the attention paid to this very important subject and remains gladly available to answer any questions.

ODS Network Members:

 <p>ADR Center[®] SOLVING THE UNSOLVED</p> <p>ADR Center <i>Certified in Italy</i></p>	 <p>ADR point</p> <p>ΚΕΝΤΡΟ ΕΝΑΛΛΑΚΤΙΚΗΣ ΕΠΙΛΥΣΗΣ ΔΙΑΦΟΡΩΝ ALTERNATIVE DISPUTE RESOLUTION CENTER</p> <p>ADR Point <i>Certified in Greece</i></p>
 <p>ADROIT - Alternative Dispute Resolution of Information Technologies <i>Certified in Malta</i></p>	 <p>Appeals Centre Europe <i>Certified in Ireland</i></p>
 <p>Central European Appeals Hub <i>Certified in Slovakia</i></p>	 <p>Impress Dispute Resolutions <i>Certified in Ireland</i></p>
 <p>Platform Control <i>Certified in Germany</i></p>	 <p>Online Platform Vitarendező Tanács <i>Certified in Hungary</i></p>
 <p>RTR-GmbH <i>Certified in Austria</i></p>	 <p>User Rights</p>

	User Rights <i>Certified in Germany</i>
--	---

Contents

Es wurden keine Einträge für das Inhaltsverzeichnis gefunden.

Category 1: Regulatory Guidance Needed

On these topics, the ODS Network considers regulatory guidance to be urgent and essential.

For each issue in Category 1, the ODS Network provides a brief background, sets out its position and the reasoning underlying it, and specifies the regulatory request.

The ODS Network would like to emphasise that many of the issues listed here - particularly the high-priority items - have been discussed extensively in bilateral exchanges with platforms and/or regulators, but no resolution or path forward has been reached. The ODS Network regards regulatory guidance as both essential and urgent for resolving them.

Behaviour vs. information

High Priority: Incorrect application of this principle excludes users from ODS as a remedy

Issue

In some cases, platforms refuse to engage with ODS bodies, claiming that the moderation action subject to the dispute was based on user behaviour rather than on information shared. They argue that, as a result, no 'dispute' within the meaning of Article 21 exists and that they are therefore not required to engage.

ODS Network Position

The ODS Network emphasizes that there is no general exception for a broad category of user "behaviour", as argued by some platforms, which has to date excluded thousands of cases from ODS. **Behaviour that manifests itself through the sharing of information** on the platform clearly falls within the definition of Article 20(1) and, consequently, within the scope of Article 21 of the DSA. Where platforms claim that an action constitutes behaviour unrelated to the sharing of information, they must sufficiently substantiate that claim.

The platform's argument relies on a misinterpretation of Article 20(1) DSA, to which Article 21 refers and which therefore defines the scope of ODS, and allows the users to challenge: *"decisions taken by the provider of the online platform on the **grounds that the information provided by the recipients constitutes illegal content or is incompatible with its terms and conditions**".*

Only **behaviour unrelated to the sharing of information** falls outside the definition of Article 20(1) and the scope of Article 21 of the DSA. The ODS network acknowledges that some moderation actions are taken based on behaviour that is not related to the sharing of information on the platform and which therefore fall outside the scope of ODS, such as:

- Coordinated inauthentic behaviour driven by non-content signals, such as operating multiple accounts to artificially inflate engagement metrics without any violating content being shared
- Account compromise attempts, such as phishing, social engineering or the use of malware to gain unauthorised access to other users' accounts
- Distribution of malicious code, including malware, spyware or ransomware, on or off the platform
- Use of third-party tools or browser extensions that circumvent platform security systems
- Logging in from blocked devices or flagged infrastructure
- Restrictions based on criminal offences committed outside the platform (e.g. where a user has been convicted of a crime relating to child sexual abuse)

The ODS Network accepts that in such cases, disputes within the meaning of Article 21 do not arise and will reject such cases either during the upfront eligibility check or upon having received additional information from the platform if the issue was not clear right away.

However, **problems arise where platforms use the trust and safety term "behaviour" as a broad catch-all category** to object to engaging in disputes well beyond cases such as those listed above, **including cases where the behaviour in question consists of sharing information on the platform.**

A significant proportion of what platforms classify as "behavioural" enforcement in fact consists of - or is directly linked to - the sharing of information on the platform.

Two common examples illustrate this:

(i) Repeat content violations: Posting illegal or policy-violating content will lead to strikes, with strikes being based on the platform's review of a specific piece of content. Where a user is suspended following multiple strikes, the account suspension is therefore a direct result from information shared on the platform and eligible for an Article 21 dispute, regardless whether the platform characterises the cumulative pattern as "behaviour". A user is entitled to have each item of content that caused a strike on their account to be reviewed.

(ii) Impersonation: Some platforms categorise violations of terms and conditions as behavioural based on *how* the user engages on the platform as opposed to whether a piece of content is illegal or violative. For example, impersonation: This is typically done by using a profile name, profile picture, and by sharing content that would mislead others. It follows that impersonation is based on the sharing of information on the platform and hence reviewable under Articles 20(1) and 21(1) of the DSA.

In both cases, the platform's use of the term "behaviour" obscures the fact that the enforcement action is directly linked to information shared on the platform and therefore falls squarely within the scope of Article 20(1) and Article 21 DSA.

The problems with such refusals are exacerbated by the lack of case-specific substantiation, as can be seen in the two sample platform answers below.

Sample platform answer 1:

*Please note that, according to our records, the content or account in question has been subject to enforcement action due to the **user's behaviour** on our platform, which has violated our policies related to **account integrity and authenticity**.*

The enforcement action in question, therefore, does not relate to a decision taken "on the grounds that the information provided by the recipient constitutes illegal content or is incompatible with [our] terms and conditions" pursuant to Article 20(1) DSA. Rather, the enforcement action concerns a decision taken on the grounds that the user's behaviour on our platform is incompatible with our Community Standards, i.e. our account integrity and authenticity policies.

For this reason, we consider that disputes of this nature fall outside the scope of Article 20(1) of the Digital Services Act and, consequently, are also outside the scope of Article 21.

Therefore, we are not in a position to engage further regarding this dispute and trust the matter will be closed out in due course.

This response is inadequate: First, it provides no case-specific information - no reference to the content moderated, the concrete policy and policy line applied, or the evidence relied upon. Second, the blanket reference to "account integrity and authenticity" is insufficiently precise: Meta does not have a single policy by that name.

The policies that do exist under related headings - such as "Account integrity" and "Authentic identity representation" - themselves contain violations that are directly linked to content shared on the platform. A refusal invoking these policies without further specification

therefore cannot be taken as evidence that the enforcement action was unrelated to the sharing of information.

Sample platform answer 2:

*'Please note that, according to our records, the account in question has been disabled due to a violation of our policies regarding **impersonation**. Specifically, the account was found to be engaged in **activities that mislead others by pretending to be another person, entity, or organization**. Please find more information below.*

Explanation of the Violation: This violation concerns behaviour that involves impersonating individuals, organizations, or other entities in a manner that is intended to deceive or mislead others. Such activities are strictly prohibited under our Community Standards and platform policies, as they undermine the authenticity, safety, and trust of our community.

Reason for Enforcement Action: The enforcement action was taken because the account's behaviour was incompatible with our Community Standards and platform policies. The disabling of the account is not related to a decision taken "on the grounds that the information provided by the recipient constitutes illegal content or is incompatible with [our] terms and conditions" in the sense of Art. 20(1) DSA. Rather, it is based on actions that constitute impersonation and misrepresentation.

For this reason, we consider that disputes of this nature fall outside the scope of Article 20(1) of the Digital Services Act and, consequently, are also outside the scope of Article 21. Therefore, we are not in a position to engage further regarding this dispute, and we trust the matter will be closed out in due course.'

To prevent an undue restriction of the scope of ODS, it is essential that platforms recognise that **behaviour consisting in the sharing of information** falls within scope. Where platforms claim that an action constitutes behaviour unrelated to the sharing of information, **they must sufficiently substantiate that claim** (on this, see also the point below on "Substantiation of refusals to engage").

Request

- (i) Confirmation that all disputes involving **the application** of platform terms and conditions or laws **to shared content / information** fall within the scope of Article 21.
- (ii) Confirmation that where platforms, as a party to a dispute, seek to exclude a dispute on the grounds that the relevant action was based on behaviour unrelated to the sharing of information, **must provide sufficient and case-specific evidence to demonstrate that the enforcement action was triggered exclusively by non-content signals**.

Substantiation of refusals to engage

High Priority: Potentially excludes users from ODS as a remedy

Issue

When contacted by ODS bodies, platforms often refuse to engage with disputes without providing sufficient legal or factual reasoning. This applies both to the specific claim that a moderation action was based on behaviour - as outlined in the section above - and to other grounds invoked by platforms to refuse engagement. The examples below illustrate two common forms of unsubstantiated refusal:

Sample platform answer:

"Please note that, according to your records, your request relates to an issue which does not fall within the scope of Article 20 (and consequently Article 21) of the DSA. This is due to the fact that the action complained of by the user was not taken on the grounds that information provided by the user constitutes illegal content or is incompatible with our terms and conditions. For this reason, we consider that disputes of this nature fall outside of the scope of Article 20(1) of the DSA and consequently, are also outside the scope of Article 21. Therefore, we are not in a position to engage further regarding this dispute and we trust the matter will be closed out in due course."

This is a legal refusal with only a truncated restatement of Article 21 and no details on the individual decision - no reference to the content moderated, the policy applied, or the evidence relied upon. Such responses do not constitute adequate substantiation.

ODS Network Position

Platforms failing to substantiate their refusals to engage leaves ODS bodies unable to assess the objections and their validity, removing effective remedy from users. This summary dismissal of a dispute is a clear violation of the good faith engagement requirement placed upon platforms in Article 21 and an abandonment of established alternative dispute resolution procedures.

Refusals to engage must be based on valid legal grounds and substantiated with specific facts and evidence. A generic or template response is not dispute-specific and does not constitute adequate substantiation. Where platforms refuse to cooperate without substantiation, ODS bodies will proceed with the dispute, as unjustified non-engagement by a respondent cannot eliminate the complainant's right to seek redress under Article 21(1) DSA. Any lack of cooperation may be to the detriment of the platform.

Request

- (i) Confirmation that platforms must provide **dispute-specific grounds for refusal** when refusing to engage with ODS bodies on the basis of the claimed inadmissibility of a dispute.
- (ii) Confirmation that platforms must substantiate their refusal to engage with **account- or dispute-specific information** that sufficiently enables ODS bodies to perform informed eligibility assessments and case reviews.

Information to be shared by platforms 1/2: Standard package of information and content

High Priority: Regular stumbling block in the ODS process.

Issue

To enable proper case review and to make informed decisions, ODS bodies require a minimum standard set of information and content from the platform, including the disputed content, related content needed for context, and the grounds for its decision, among others.

Platforms and ODS bodies disagree on the scope of information that must be shared during dispute proceedings. Platforms tend to share only the specific content item subject to the moderation decision, while ODS bodies require broader contextual information - referred to here as "related content" - to make informed assessments. Platforms have expressed hesitancy to share related content, citing uncertainty about the legal basis for doing so under GDPR.

The aim is to **agree standard packages of information per case type** that cover the vast majority of cases (80/20 or more) in the form of a "content sharing matrix", essentially laying out that if this is the type of case, then this is the standard information package to be shared. ODS bodies have shared a first draft in ANNEX II.

While the content is still under discussion with the DTSP, it is **essential that the regulator confirms that access to related content provides the necessary basis for ODS bodies to assess potential violations and carry out their function effectively**. To be clear: the guidance requested right now is whether related content provides the necessary context for ODS bodies and should therefore be shared with them; discussions with the DTSP relate to specifying what constitutes "related content" in practice.

The eventual agreed outcome of these discussions aims to set the best practice for the sector and to be included in the best practice recommendations. The standard laid out in the matrix should be distinguished from cases (20/80 or less) where ODS bodies require additional information on top of the standard package.

ODS Network Position

At its core, ODS must be understood as **more than a mere extension of platforms' own content moderation architecture**. ODS implies that an independent third party, the ODS body, settles disputes between the platform and the user, respectively. In order to do so, ODS bodies require a different set of information/data than what a platforms' content moderator would be provided with. The sharing by platforms with ODS bodies of such information is considered to be part of the obligation to co-operate in good faith.

The most important difference and guiding principle is the user perspective: By bringing a dispute to an ODS body, a user has made a deliberate choice to challenge a platform decision to an independent entity. The principle of user-centredness is hence what should govern the principles of information-sharing between platforms and ODS bodies in cases where a piece of content has been disputed by a user.

First, there are a few **pieces of information that the platform must always share**, regardless of the dispute type, starting with timestamps, the unique identifier, the grounds for its enforcement action and the original content in unaltered form.

Second, **the need for sharing related content, necessary for informed case review, is broadly guided by the following logic:** What did the user see at the time of making the appeal to ODS? This can be boiled down to practical scenarios: If the user's own content has been restricted, what exactly did they upload that was subject to a restriction (i.e. original content + captions + description)? Similarly, in cases where the user reported illegal or harmful content, what did they see? For example, a user might have reported a video, in which case the ODS body should be able to review the original video file as seen by the user (unaltered, not shortened or translated), plus its caption and description, which may add valuable context to the case - a video might qualify for an educational purposes exception, which may only be explained in the description.

In a second example, a user reported a comment for review. The comment is part of a thread of comments, which, in turn, refer to a video depicting a certain event. In order to enable proper case review and to make an informed decision, the ODS body requires all the information the user saw at the time of reporting: The comment in question, the thread of comments it is part of, plus the "parent content", i.e. the video that sparked the initial comment in the first place (unaltered and unedited) as well as its captions and descriptions. All of the latter serve to place the comment into the correct contextual frame.

The second principle refers to practical operations: It is expected that the vast majority of cases can be resolved (aiming for 80/20 or more) using the content outlined in the "information sharing matrix". The matrix is designed to facilitate if-this-then-that scenarios, which should enable relevant platform teams to facilitate the sharing of relevant information according to the disputed type of content outlined in the matrix.

Provision of additional information will lead to more substantial decisions benefiting users and platforms alike. Where platforms fail to provide related information, ODS bodies will still decide disputes based on available information or formal grounds, to ensure users retain effective access to remedy.

Finally, the **legal basis for sharing content** is grounded in Article 21(2) DSA, the obligation to cooperate in good faith. It follows from the wording of the Regulation that the purpose of the obligation to cooperate is to resolve the dispute amicably. A teleological interpretation of the provision further implies that sufficient and specific information must be available to enable the ODS body to make an appropriate assessment. It is impossible for ODS bodies to make a substantive assessment of content if they cannot account for relevant related content and context in their review. The DSA establishes the need to share dispute related information while GDPR permits the sharing of personally identifiable information for this purpose under Article 6(1)(c) (legal obligation), and/or Article 6(1)(f) (legitimate interest).

ODS bodies are committed to collection of minimal personally identifiable data and will only seek such information where necessary to ensure all parties remain compliant with Articles 5 and 6 GDPR.

Request

(i) Confirmation that **platforms are obligated to share related content as part of their good faith obligation** under Article 21(2) DSA, and that the **legal basis** for doing so is grounded in Article 21 DSA and Article 6(1)(c) and/or Article 6(1)(f) GDPR.

(ii) Endorsement of the "content sharing matrix" developed by the ODS Network and DTSP as the best practice standard for information sharing in dispute proceedings, and confirmation that platforms should share this information as a matter of course without requiring a separate request from ODS bodies.

Information to be shared by platforms 2/2: Right to request additional information

High Priority: Regular stumbling block in the ODS process.

Issue

Whilst platforms and ODS bodies continue to seek agreement on the scope of information that must be shared during dispute proceedings, there is a common understanding that each ODS body has a right to request **additional information on an ad hoc- basis**. Here we set out the ODSN position on sharing of additional information.

ODS Network Position

As a party to a dispute, a platform cannot determine what is relevant and necessary for case review. By virtue of their role in settling disputes, ODS bodies reserve the right to reach out to both the user and the platform to request additional information that may be needed either for:

- a) The platform to locate the disputed or related content; or
- b) The ODS body to perform case review.

Where additional information may contain personally identifiable information, it is accepted that the platform will rely upon the ODS body's determination of necessity and share minimal personal data in compliance with their General Data Protection Regulation (GDPR) obligations. It is agreed that any request for additional information must be sufficiently clear and specific to the dispute at hand to demonstrate the essential elements of GDPR compliance can be met by the platform.

Each ODS body will include the following the following in a request for additional information:

- (i) Clear description of the need for such additional information and
- (ii) where this additional information includes Personally Identifiable Information, a declaration that this is necessary and relevant for dispute resolution.

In doing so, the ODS body provides the platform with proof that the request is reasonable and relevant to the specifics of an individual dispute and it allows platforms to satisfy their obligations under Article 5 of the GDPR.

Where an ODS body has made a request that meets these criteria, a platform should share the relevant information.

Request

Confirmation that platforms remain compliant with both DSA and GDPR when sharing related information that the ODS body has specified and declared necessary for case review on an ad hoc basis.

Signposting / Location and accessibility of information on ODS

High Priority: Lack of signposting prevents users from accessing ODS as a remedy and risks the sustainability of the ODS sector

Issue

Many platforms are not fully complying with their obligations to provide users adequate information about ODS as set out in the DSA - sometimes by not “signposting” at the relevant junctions, other times by obfuscating the information. As a result, many users are unaware of their right to access ODS and do not make use of the service.

Example 1: After issuing a temporary account suspension, the platform gives no information on ODS but only refers to its customer support.

Example 2: The information given after a platform’s internal review of a content moderation action only provides the additional link “*Information for people in the EU*”. If users click it, a new banner opens, stating: “*In addition to the option to ask us for a review, you also have other rights. Other options you have:*”

- *You may be able to challenge our decision in court.*
 - *You may be able to refer our decision to a certified dispute settlement body.*
- Get information** [Link to the commission’s ODS website].”

The information on ODS is not easily accessible but hidden behind several steps of an additional interaction.

ODS Network Position

For users to effectively make use of the rights granted to them under the DSA - including the right to appeal decisions and to submit disputes to ODS bodies - it is an essential precondition that they are aware of these rights. As a minimum compliance standard, the information provided must be **clear and easily accessible, in line with the DSA and the EU Accessibility Act**.

Three Touchpoints User Interfaces: Information must be included in 3 touchpoints, according to the legislation:

1. On a **dedicated webpage** about ODS as a redress option (Article 21(1) of the DSA)— typically as part of a help centre or transparency hub.
2. After **making content moderation decisions**, whether measures have been taken (Article 17) or the platform decided not to act upon reported content (Article 16(5) of the DSA).
3. Within the **case flow of their internal complaints process** (Article 20(5) of the DSA). A best practice would be to inform the user in a separate box.

User-choice principle: Platforms should link to the [website on ODS by the European Commission](#) by default; this way it is up to the user to select an ODS body.

Information must furthermore be **clear, easily accessible**, and compliant with WCAG 2.1 Level AA **accessibility guidelines**. **Platforms must not employ deceptive design patterns**

(hidden information, misdirection, forced action, privacy maze patterns) that impair the user's ability to find and use ODS.

Legal bases

Digital Services Act

- (1) **Article 21(1) Out-of-court Dispute Settlement:** *"Providers of online platforms shall ensure that **information about the possibility** for recipients of the service to have access to an out-of-court dispute settlement, as referred to in the first subparagraph, is **easily accessible on their online interface, clear and user-friendly**."*

→ ODS Network interpretation: This should be done in a dedicated webpage about ODS, typically part of a help centre or transparency hub.

- (2) **Article 20(5) Internal Complaint-Handling System:** *"Providers of online platforms shall inform complainants without undue delay of their **reasoned decision** in respect of the information to which the complaint relates **and of the possibility of out-of-court dispute settlement** provided for in Article 21 and other available possibilities for redress."*

→ ODSN interpretation: Within case flow of internal complaints process; at the point of the first decision and any subsequent appeals.

- (3) **Article 16(5) Notice and Action Mechanisms:** *"The provider shall also, without undue delay, notify that individual or entity of its decision in respect of the information to which the notice relates, **providing information on the possibilities for redress** in respect of that decision."*

→ ODSN interpretation: At the point of issuing a decision.

- (4) **Article 17(f) Statement of Reasons:** *"clear and user-friendly information on the **possibilities for redress available to the recipient of the service in respect of the decision**, in particular, where applicable through internal complaint-handling mechanisms, out-of-court dispute settlement and judicial redress."*

→ ODSN interpretation: A default Statement of Reasons should mention all three redress options.

- (5) **Article 25(1) Online interface design and organisation** *"Providers of online platforms shall not design, organize or operate their online interfaces in a way that deceives or manipulates the recipients of their service or in a way that otherwise materially distorts or impairs the ability of the recipients of their service to make free and informed decisions."*

→ ODSN interpretation: In the reporting and appeals flows, platforms must avoid all deceptive design patterns identified in scientific literature, including but not limited to "Hidden information", "Misdirection through visual interference", "Forced action".

EU Accessibility Act (EAA)

- (1) **Article 4(3) + Annex I, Section III:** Requires all services to be in conformity with the accessibility requirements laid out in the Directive. This includes not only the user interface, but also notifications: Notifications constitute user-facing information provided as part of the service and must therefore comply with the general accessibility requirements of the EAA, in particular Article 4(3) in conjunction with Annex I Section I(a) “presented in fonts of adequate size and suitable shape, taking into account foreseeable conditions of use, and using sufficient contrast, as well as adjustable spacing between letters, lines and paragraphs”
- (2) **Article 15(1)** Referring to “Products and services which are in conformity with **harmonised standards** or parts thereof, the references of which have been published in the *Official Journal of the European Union*, shall be presumed to be in conformity with the accessibility requirements of this Directive.”
- (3) The relevant harmonised standard is [EN 301 549 V3.2.1 \(2021-03\) Accessibility requirements for ICT products and services](#), which draws from the [Web Content Accessibility Guidelines](#) (WCAG). Of particular relevance are:
- (4) **WCAG 2.1 Level AA Requirements** - EN 301 549 states that “where ICT is a web page, it shall satisfy all the following five WCAG 2.1 conformance requirements at level AA[5]”. Among others, these outline accessibility requirements for text and contrast, including in user notification. In practice, this means that a small, grey-on-grey text informing the user of their right to access ODS, is not sufficient. The minimum should be: Standard text: 4.5:1 contrast ratio, Large text (≥ 18.5 px bold or ≥ 24 px regular): 3:1 contrast ratio, Interactive elements (links, buttons, icons): 3:1 contrast ratio.
- (5) **Deceptive Design Patterns & WCAG Compliance:** based on literature and pre-existing guidelines:¹ As a best practice standard, there should be a limited number of clicks before reaching the link to the European Commission’s website (Privacy Maze deceptive pattern), no hidden information or false hierarchy, no obstructing or dead-ends.

Request

- (i) Regulators should communicate the importance and necessity of proper signposting to platforms; in adequate detail and accompanied by best practice examples where available.
- (ii) Regulators should perform regular user experience audits for VLOPs, reviewing all on-platform user pathways for challenging platform content decisions, thereby assessing compliance with signposting obligations in the DSA as well as accessibility and deceptive design standards.

¹ Gray et al. (2024) [An Ontology of Dark Patterns Knowledge: Foundations, Definitions, and a Pathway for Shared Knowledge-Building](#); European Data Protection Board (EDPB) [Guidelines 03/2022](#))

Expiration or removal of content

Medium Priority: Temporary content should be clearly in scope for ODS

Issue

Many platforms offer features where content "expires" after a set period - meaning it is removed from the platform automatically. Examples include:

- Snapchat
- Instagram and Facebook Stories
- TikTok-Live

Platforms may moderate such temporary content before the applicable time limit expires - for example by taking down an Instagram story after 5 hours rather than letting it expire after 24 hours - or may decide not to remove content that has been reported as violating platform rules.

Some platforms argue that once content would have disappeared anyway, any moderation decision relating to it can no longer be the subject of a dispute under Article 21 DSA. They contend that once the content is no longer visible, no dispute of "value" remains, and invoke a proportionality test to justify their refusal to engage.

Example 1: A user's Instagram story is removed for nudity. The story showed the user pole dancing in sportswear. The user requests a review of the platform's decision and submits a dispute to an ODS body. The platform claims that no dispute exists, as the story would have expired after 24 hours regardless.

Example 2: A user reports a third party's story for containing (illegal) antisemitic content. The platform decides to leave the content on the platform. The user submits a complaint to an ODS body. The platform argues that no dispute can exist as the story has since expired.

ODS Network Position

A valid dispute exists whenever a content moderation decision was made, including decisions relating to content that is temporary in nature. The user's right to seek redress under Article 21 arises from the decision itself, not from the continued visibility of the content. Article 20(1) DSA makes no reference that would justify the exclusion of temporary content.

In reference to example 1 above: User raises a dispute in relation to a restriction applied to their own temporary content.

Users whose own content was restricted have a right to have that decision reviewed, and have a legitimate interest in ODS bodies determining whether the platform's moderation decision - based on a claim that the content violated its terms and conditions or the law - was justified. This is true not only because such restrictions can have lasting consequences at the account level, but more fundamentally because the right to independent review is not contingent on the content remaining visible.

In reference to example 2 above: User raises a dispute in relation to the platform's failure to apply a restriction to another's temporary content.

Equally, users who report third-party content - for example for being potentially illegal such as antisemitic hate speech - have a legitimate interest in requesting a review of whether their report was justified and whether the platform should have restricted the relevant content (and potentially sanctioned the user who posted it). Proper application of sanctions or strikes can lead to account suspensions and prevent bad actors from using temporary content as a mechanism to avoid detection and accountability. Expiring content is precisely the format increasingly used for harmful and time-sensitive material and the right to challenge these decisions is exceptionally important.

Moreover, this is particularly important given that the DSA's reporting mechanisms are designed to empower users to report illegal and harmful content and prompt the platform to take effective action. Denying these users access to ODS review on the grounds that the reported content has since expired would render the reporting mechanism meaningless in the context of temporary content.

If content expiration were to extinguish the right to raise a dispute, a significant category of moderation decisions would be shielded from independent review. Platforms with primarily temporary content (such as Snapchat) or platforms where temporary content is a central feature (such as Instagram Stories) would become effectively immune to the provisions of Article 21 DSA.

The ODS Network rejects the platform proposition of a proportionality test. No such test is found in Article 20 or Article 21 DSA and it cannot therefore serve as a barrier to users seeking redress before ODS bodies or in court.

Request

(i) Confirmation that the existence of a content moderation decision is sufficient to establish a dispute under Article 21, regardless of whether the content remains available at the time the dispute is submitted.

(ii) Confirmation that this applies equally to disputes brought by users whose own content was restricted and by users who reported third-party content, irrespective of whether that content has since expired or been removed.

Expiration of moderation action

Medium priority: Temporary enforcement actions (e.g. temporary account disablement, demonetisation) should be clearly in scope for ODS.

Issue

This section concerns moderation actions that were time-limited and have ceased to apply through the passage of time - for example a temporary account suspension, demonetisation, or feature limitation that has since been lifted. This should be distinguished from two related but distinct scenarios covered elsewhere in this paper: the expiration of content that was itself only temporarily available (such as Stories), and remoderation, where a platform actively reverses its original decision. Unlike remoderation, the expiration of a moderation action does not reflect any revised assessment by the platform - the measure simply lapsed according to its own terms.

Some platforms argue that once a moderation action has expired, no dispute can exist under Article 21 DSA. They refuse to engage with ODS bodies on the grounds that the enforcement action is no longer in force, regardless of the harm it may have caused during the period it applied.

Examples

The following example illustrates the practical consequences of this position: a user posted content on 25 November discussing the merits of a candidate in an election taking place on 1 December. The platform removed the post on 26 November and restored it on 3 December - after the election had already taken place. By the time the user submitted a dispute, the restriction had expired. The platform refused to engage.

This is typical of the responses received from platforms in such circumstances:

Sample platform answer 1:

"Our records indicate that the temporary disablement, blocking, demonetization, or feature limitation at issue had already ceased to apply to the relevant content or user before we received your request for information in this matter. Accordingly, we do not consider there to be a "dispute" within the meaning of Article 21(1) DSA. If, notwithstanding the expiry of the enforcement action, you consider that there is an ongoing "dispute" relating to a decision of the type referred to in Article 20(1) DSA, please provide further details on the nature of that "dispute." Please note that, unless your response includes new information that could affect our assessment, we will consider this matter resolved and close the case."

Sample platform answer 2:

"Thank you for contacting us. As per our previous email, based on information in our systems, we are unable to further engage with your request as the enforcement action taken against the account or content has expired. This means that the temporary disable, blocking, demonetization or feature limit is no longer applicable to the relevant user. Accordingly, we do not consider there to be any "dispute" within the meaning of Art. 21(1) DSA with respect to this matter."

ODS Network Position

A valid dispute exists whenever a content moderation decision is made, regardless of whether the enforcement action is still ongoing at the time the dispute is submitted. The user's right to seek redress under Article 21 arises from the decision itself, not from the continued application of the restriction. ODS bodies will therefore continue to accept and process disputes relating to expired moderation actions.

Accepting expiration as a bar to admissibility would create an incentive for platforms to design moderation measures as short-term restrictions, thereby shielding decisions from independent review. This is particularly harmful where the restriction had already taken full effect and caused harm during the period it was in force - as illustrated by the election content example above, where the post was suppressed precisely during the period when it was most relevant.

Users retain a legitimate interest in requesting a review of whether a restriction was justified, even after it has expired, for several reasons. First, where a platform applied a strike alongside a temporary restriction, the user has a clear interest in verifying whether the action was justified and, if not, in having the strike removed. Strikes accumulate towards account suspension, and their account-level impact persists well beyond the expiration of the specific enforcement action. Second, even where no strike was applied, temporary restrictions can have a lasting deterrent effect - users may self-censor or refrain from posting similar content in future, having internalised the platform's decision as a signal of what is and is not permitted.

As with the expiration of temporary content, the core principle is the same: the right to redress is attached to the decision, not to the ongoing enforcement. Article 21 DSA confers on users the right to have content moderation decisions reviewed by an independent body, and that right cannot be extinguished by the mere passage of time.

Request

- (i) Confirmation that expired moderation actions remain subject to dispute under Article 21, and that the expiration of an enforcement action does not render a dispute inadmissible.
- (ii) Confirmation that users retain a legitimate interest in requesting a review of expired moderation actions, in particular where a strike was applied alongside the restriction or where the restriction had already taken effect and caused harm during the period it was in force.

User notifications deemed insufficiently specific by the platform

Medium priority: Potentially excludes users from ODS as a remedy

Issue

Platforms often reject user reports of content that allegedly violates the law or their terms and conditions as 'insufficiently specific', and subsequently refuse to engage with the ODS process on the grounds that no moderation decision was made because the initial report did not meet their requirements.

Example

The user notifies the platform of a violation of legal provisions or of the platform's terms and conditions, using the platform's reporting mechanisms. The user fills in all required fields. The platform replies to the user that their report was insufficiently specific and would therefore not be processed. The user is offered no alternative reporting mechanism.

The user then files a complaint with an ODS body, explaining that, contrary to what the platform claimed in their response, they provided all relevant information to the platform in their initial report. In these cases, platforms regularly refuse to engage with ODS bodies on the grounds that the initial report was insufficiently specific.

ODS Network Position

In the view of the ODS Network, users may lodge complaints with ODS Bodies where a platform has responded that a report was insufficiently specific and would therefore not be processed, provided that the user can demonstrate that they made a report to the platform through the platform's reporting tools and completed mandatory fields..

(i) Platform claims that a user notification of illegal content under Article 16 was insufficiently specific

- Platforms' refusal to engage with ODS bodies on the grounds that the initial report under Art. 16 DSA was insufficiently specific is problematic for several reasons: Users reporting content typically rely on the reporting pathways provided by the platform itself - they do not submit reports via email or free-text forms, but through structured tools designed by the platform. Those tools must be designed to capture all information the platform considers necessary to process a report, Art. 16 para. 2 DSA.
- Where a user has followed the prescribed reporting pathway and believes they provided all relevant information, the question of whether the report was sufficiently specific is itself a matter that warrants independent review. A platform cannot design inadequate reporting tools, fail to request missing information at the point of reporting, and then use the resulting gap as grounds to refuse engagement with ODS proceedings. To do so would allow platforms to unilaterally restrict users' access to remedy.

When reporting content, platforms must 'take the necessary measures to facilitate the submission of notices containing' all elements required to evidence a report. Therefore, when users have submitted a notification on the platform, via a reporting pathway that has been designed to ensure compliance with Art 16 (2) DSA ODS bodies will continue to process disputes.

Users are not lawyers, and the threshold for a valid report should reflect this. The requirements to make a report should be minimal but still sufficient to identify the user, the content and the concern in general terms. Platforms overengineering report forms by including mandatory fields that are not aligned with DSA and then rejecting user submissions, should not act as a bar to ODS. A report will be considered sufficient where it meets the mandatory requirements set out in Art 16(2))a)-(d) DSA.

Request

(i) Confirmation that a user report satisfying the conditions of Article 16(2) DSA is sufficient to give rise to a dispute under Article 21 DSA

(ii) Confirmation that platforms cannot unilaterally refuse ODS engagement on specificity grounds where a user credibly claims to have met those conditions.

(ii) Platform claims that a user notification of a violation of terms and services was insufficiently specific

Platforms' refusal to engage with ODS bodies on the grounds that the initial report of a violation of terms and conditions was insufficiently specific is problematic for similar reasons as in the case of reports under Article 16:

- Users reporting content typically rely on the reporting pathways provided by the platform itself - they do not submit reports via email or free-text forms, but through structured tools designed by the platform. Recital 58 para. 4 stipulates that, users who reported a violation of terms and conditions through the notification mechanism for content that violates the terms and conditions should be entitled to use the complaint mechanism under Article 20 DSA (and therefore also under Article 21, cf. Art. 21 para. 1 DSA). It also follows that the notification mechanism for content that violates the terms and conditions must be designed in such a way that a notification can be processed by the platform whenever the user completes all mandatory fields.
- Here too, independent review of the platform's decision not to process a notification on the grounds that it is allegedly too vague must be possible. Otherwise, the platform could unilaterally restrict access to the remedies under Articles 20 and 21 without external oversight.

In the case of user notifications of a violation of the terms and conditions, ODS bodies should have the possibility to continue processing disputes where the user can demonstrate that they provided at least the following information:

- (i) their name or contact details,
- (ii) a link to the content or other means of identifying it, and
- (iii) a belief, in general terms, that the content violates the terms and conditions of the platform

As in the case of notifications of illegal content under Article 16, users must not be subject to overly burdensome requirements here either. Users are not experts in the platforms' terms and conditions.

Request

- (i) Confirmation that a user report satisfying the conditions outlined above is sufficient for a platform to accept a report of violating content on the platform and therefore make a decision which may give rise to a dispute under Article 21 DSA, and
- (ii) Confirmation that platforms cannot unilaterally refuse ODS engagement on specificity grounds where a user credibly claims to have met those conditions.

Platform non-response to user report/notification

High priority: Potentially excludes users from effectively exercising their rights under the DSA

Issue

The ODS Network is aware that users are frequently submitting reports regarding potentially illegal and/or policy violating content to the platforms via the platform reporting pathways and do not receive a response indicating the platform decision. Despite this, users are aware that the reported content remains visible on the platform.

ODS Network Position

In the view of the ODS Network, **recipients of the service**, including individuals or entities that have submitted a notice or report, **can lodge complaints with ODS Bodies where the content remains on the platform and the platform has failed to take action as a result of a notice or report within a reasonable period.**

Example

The user notifies the platform of a potential violation of legal provisions or of the platform's terms and conditions. The user does not receive a response from the platform. After a certain period of time, they lodge a complaint with an ODS Body.

1. Platform non-response to a user notification of illegal content under Article 16 DSA

Complaints are regularly lodged with ODS bodies in which **platforms fail to comply with the obligations under Article 16.**

Article 16 includes the obligations

- to acknowledge **receipt of a notice without undue delay**, provided that the notice contains the electronic contact information of the individual or entity that submitted it (para. 4)
- **to take their decisions** in respect of the information to which the notices relate, **in a timely manner** (para. 6) and to
- and to, **without undue delay, notify that individual or entity of its decision in respect of the information to which the notice relates**, providing information on the possibilities for redress in respect of that decision (para. 5).

In some cases, recipients of the service do not even receive a confirmation of receipt of the notice, despite having provided the required electronic contact information. In other cases, the platform does not take a final decision in respect of the information to which the notice relates, or fails to communicate that decision to the recipient of the service.

Under Article 20(1) in conjunction with Article 21(1) DSA, “decisions taken by the provider of the online platform upon the receipt of a notice” may be challenged before ODS bodies.

The ODS Network takes the view that the fact that the content remains on the platform amounts to a decision not to remove the content within the meaning of Article 20(1), in conjunction with Article 21(1) DSA.

In any case, a platform’s failure to comply with Article 16 cannot prevent users from exercising their rights under Articles 20 or 21 of the DSA.

The following considerations support this view:

- Platforms could **circumvent the remedies provided for in Articles 20 and 21 DSA** by simply failing to respond to notifications of illegal content.
- A **breach of Article 16 DSA must not result in the platform being placed in a more favourable position** and thereby avoiding appeals against decisions in respect of the information to which the notice relates.
- From the perspective of the recipient of the service, it is **more detrimental if the platform fails to take any concrete action on a notification at all** than if it decides not to remove the information to which the notice relates and sends a notice to the user confirming that they do not believe the content to be illegal. In such cases, the recipient remains uncertain as to what will happen to the information to which the notice relates.

Request

(i) **Confirmation** that ODS bodies are competent to decide on complaints in cases where platforms do not respond to a user notification of illegal content under Article 16 DSA.

(ii) **Guidance** in relation to how long a period should expire before a report submitted to a platform by a recipient of the service can become a valid dispute for an ODS body to accept for review.

The ODS Network would like to point out that the DSA already provides, to some extent, indications as to the timeframe within which platforms must decide on notifications of illegal content. Recital 87, sentence 5, for example, refers—with regard to very large online platforms—to a benchmark established by the 2016 Code of Conduct on countering **illegal hate speech online**. According to this benchmark, the “majority of valid notifications” should be assessed within less than **24 hours** and, where appropriate, access to the content should be disabled. The same applies, pursuant to Recital 62, second subparagraph, first sentence, to notifications of hate speech submitted by trusted flaggers.

2. Platform non-response to a user notification of a violation of terms and conditions

Complaints are regularly lodged with ODS bodies in which **platforms have failed to communicate their a decision not to remove content that has been reported to them for alleged violations of terms and conditions.**

The ODS Network takes the view that **recipients of the service can lodge complaints with ODS bodies where the platform has failed to communicate their decision not to remove content on such a notice within a reasonable period** (that still needs to be specified). This view is fully supported by Recital 58, sentence 4 which states that: "Recipients of the service who submitted a notice through the notice and action mechanism provided for in this Regulation or through the notification mechanism for content that violate the terms and conditions of the provider of online platforms should be entitled to use the complaint mechanism to contest the decision of the provider of online platforms on their notice

The following considerations support this view:

- **Article 20 DSA treats decisions taken after receipt of a notice of a violation of legal provisions and decisions taken after receipt of a violation of the platform's terms and conditions as equivalent.** Therefore, the same requirements apply to the wrongful failure to communicate a decision following a notification of a breach of the terms and conditions as apply to the wrongful failure to communicate a decision on a notification of a violation of legal provisions.
- There is a risk that **platforms may circumvent the remedies provided for in Articles 20 and 21 DSA** by simply failing to respond to notifications of breaches of their terms and conditions.
- **A failure to take a decision on a notification concerning terms and conditions violations is more detrimental than communication to the user of a decision not to remove the information to which the notice relates as it creates uncertainty and frustrates a users right to appeal and or dispute the decision.** Therefore, the remedies under Articles 20 and 21 DSA must, a fortiori, be available to the recipient of the service.

Request

(i) Confirmation that (a) inaction by a platform upon receipt of a report that a user believes content to violate the platform terms and conditions constitutes a decision 'not to remove or disable access to or restrict visibility of the information' in accordance with Article 20(1)(a) and (b) that failing communication of the decision by the platform ODS bodies are competent to decide on cases where platforms fail to respond to a user notification that content violates the platforms terms and conditions.

(ii) **Guidance** in relation to how long a period should expire before a report submitted to a platform by a recipient of the service can become a valid dispute for an ODS body to accept for review.

Time limit for submission of cases

Medium priority: Potentially excludes users from ODS as a remedy

Issue

Some platforms have proposed that Article 21 disputes should be submitted within six months of the platform's initial content moderation decision.

ODS Network Position

The DSA does not impose a time limit for accessing Article 21, and it would be improper to impose one where the legislation does not. The absence of a deadline in Article 21 is clearly intentional: Article 20 explicitly provides that users must be granted access to the internal complaints-handling system for at least six months from the date the platform informs the user of its decision. The legislator was therefore aware of the possibility of imposing time limits and chose not to do so in Article 21.

Platforms sometimes argue that GDPR compliance requires them to delete account data after six months, making it impossible to process disputes beyond that point. However, the strike system - which relies on the accumulation of moderation decisions over time, often well beyond six months - demonstrates that platforms do not, in practice, delete information related to content moderation decisions after six months. This is because personal information is linked to the account, not to an individual moderation decision.

A blanket time limit would be incompatible with the DSA, particularly where content is still active or visible on the platform and where the platform still has access to the moderation decision. For disputes where the content is still on the platform or where the platform still has access to the relevant moderation decision, there should be no time limit.

In the specific case of permanent account suspensions, where platforms may eventually delete all data related to the suspended account, a workable best practice would be for platforms to retain relevant information - such as the content that led to the suspension and the moderation decision itself - for six months after the expiration of the Article 20 internal appeals period. This would allow users to exhaust the internal complaints mechanism before turning to ODS without imposing an arbitrary cut-off on Article 21 access.

Request

(i) Confirmation that users have a right to engage Article 21 ODS without a time limit where the content is still visible on the platform or where the platform still has access to the relevant moderation decision.

(ii) Best practice recommendations laying out that platforms should retain information related to permanent account suspensions for a minimum of 180 days after the expiration of the Article 20 internal appeals period - that is, for a total of at least 360 days from the date of the original decision.

Platform / functionality in scope

Medium priority: Unilateral interpretation of scope by a VLOP restricts user access to ODS as a remedy and leaves no avenue to report harmful/illegal content for a large part of the service

Issue

A major platform argues that certain functionalities - specifically comments on its video streaming service - constitute "ancillary features" and fall outside the scope of Article 21 DSA. The platform has communicated this position directly to the European Commission and has asked ODS bodies to stop accepting comments-related disputes pending further guidance. This position, if accepted, would remove a significant category of user interactions from the scope of independent review.

ODS Network Position

If a platform is subject to Article 21 DSA, all functionalities within that platform are in scope, provided a content moderation decision within the meaning of Article 20 DSA has been made. Platforms cannot selectively opt in to ODS on a functionality-by-functionality basis. There is no textual basis in the DSA for excluding specific functionalities of a platform that is otherwise subject to Article 21. Permitting such exclusions would significantly narrow the scope of user redress in a manner not foreseen by the legislator - and would allow platforms to unilaterally determine the boundaries of independent oversight.

ODS bodies will continue to accept and process disputes relating to all functionalities of platforms subject to Article 21, including comments, pending regulatory guidance to the contrary.

Request

Guidance confirming that Article 21 applies to all functionalities of platforms subject to it, explicitly including YouTube comments. ODS bodies will continue accepting and processing such disputes as advised by regulators.

Territorial Scope / Location of the user

Medium priority: Potentially excludes users from ODS as a remedy

Issue

Platforms reject disputes on territorial grounds, citing internal geolocation systems that place the user outside the EU. In practice, platforms often provide only template emails without case-specific evidence.

Sample platform response

"Our records indicate that the complainant, contrary to the information set out in the complaint, has their place of establishment or is located outside the European Economic Area (EEA). This conclusion is based on account-level country signals maintained for legal and compliance purposes, which may include, but are not limited to, information such as the country associated with the account's creation and patterns of account activity. Based on this information, the complainant's submission is not eligible under Article 21(1) DSA and [platform] is unable to process this matter further."

ODS Network Position

Any user situated within the EU at the time of dispute submission or permanent resident of the EU has a right to engage with Article 21 of the DSA and relief is not limited to European citizens or inhabitants. It is incorrect for platforms to rely solely on user account establishment and average location of the user to restrict users' right to ODS.

Beyond permanent residency, various factors can establish a user's place of establishment or them being located in the EU under Article 2(1) DSA or a substantial connection to the EU and bring a dispute within scope. The geographic composition of Europe and the free movement of workers and people between bordering non-European countries clearly means a user can have a place of primary residence in Switzerland and employment in France. For a platform to rely on geo signals to determine a user's right of remedy under Article 21 would unnecessarily restrict a users right to access ODS.

When filing disputes with ODS bodies various checks are performed including users declaring where they live, restricting non-EU VPNs accessing portals, etc . Where platforms claim a dispute is out of scope, they must provide evidence refuting the evidence already established by the ODS body confirming jurisdiction. The platform must provide dispute specific evidence not merely share a generic template.

Platforms cannot shift the burden of proving jurisdiction to users or ODS bodies through blanket refusals. The principle that each party must substantiate its claims applies equally to jurisdictional objections.

Request

(i) Guidance clarifying what being located in the EU (according to Article 2(1) of the DSA) means for the purposes of Article 21.

(ii) Confirmation that platforms bear the burden of substantiating territorial objections with case-specific evidence.

Reimbursement of reasonable expenses

High Priority: ODS bodies have been approached with questions by users.

Issue

Article 21(5) DSA requires platforms to reimburse users for "any other reasonable expenses" paid in relation to dispute settlement. In practice, significant uncertainty remains across several dimensions.

- (1) First, what qualifies as "reasonable expenses" - both in terms of which factors may be considered in their calculation and what constitutes an acceptable overall amount.
- (2) Second, what conditions expenses must fulfil in order to qualify as having been "paid in relation to the dispute settlement."
- (3) Third, how effective reimbursement procedures should be structured and what role ODS bodies could play in facilitating reimbursement.

This provision is particularly relevant for frequent complainants and organisations acting under Article 86 DSA, which are expected to take appropriate measures to ensure the quality and relevance of their submissions. Implementing such measures can give rise to meaningful costs, and it is in the interest of both ODS bodies and platforms that clarity exists as to whether and how such costs may be reclaimed.

To date, users have indicated a desire to be reimbursed for expenses including:

- Nominal fees paid to ODS bodies
- Time and materials spent collecting dispute-relevant information
- Accessibility costs (e.g. costs incurred by users with disabilities in order to participate in proceedings)
- Legal costs

ODS Network Position

In the view of the ODS Network complainants, and in particular frequent complainants and Article 86 organisations, should take appropriate measures to ensure the quality and relevance of their submissions. The costs of doing so should be recognised as reimbursable. It is in the shared interest of ODS bodies and platforms to encourage high-quality submissions, as this reduces unnecessary engagement with the process and improves overall efficiency.

This is particularly relevant for organisations acting under Article 86 DSA. Unlike trusted flaggers under Article 22, whose status is subject to ongoing quality requirements and can be revoked, Article 86 does not provide for any quality control mechanism for organisations submitting complaints on behalf of users. It is therefore in the interest of all parties - ODS bodies, platforms, and users - that such organisations invest in the quality of their submissions. Recognising the associated costs as reimbursable under Article 21(5) creates a meaningful incentive for higher submission quality, ultimately benefiting the efficiency and legitimacy of the ODS process as a whole.

Users have expressed concern over the lack of clarity regarding what expenses are reimbursable and the absence of effective, low-friction reimbursement channels. Without clear guidance, the right to reimbursement under Article 21(5) DSA risks becoming

ineffective in practice: platforms might impose excessive administrative burdens to discourage claims, while the absence of clear standards creates legal uncertainty for all parties. Regulators should therefore aim to provide further clarity on eligible expense categories, acceptable amounts, and the procedural mechanisms through which reimbursement can be claimed efficiently.

Request

- (i) Guidance on: (1) eligible expense categories, including whether legal costs qualify; (2) reasonableness factors and expected ranges or caps; (3) minimum procedural standards, including type of evidence, timelines, and dispute handling;
- (ii) Confirmation that all platforms must place contact details for users seeking reimbursement on the ODS page of their website and deploy a process whereby users can seek timely reimbursement.

Implementation of ODS Decisions

High Priority: Implementation rates are low and feedback on final decisions is lacking

Issue

Article 21(2) of the DSA requires platforms to engage in good faith with ODS bodies "with a view to resolving the dispute". ODS decisions are, however, not binding on platforms. In practice, this combination has created significant uncertainty as to what the good faith obligation requires at the implementation stage: whether platforms must respond to ODS decisions at all, whether they must indicate if they will implement them, and on what grounds they may refuse to do so.

ODS Bodies have consistently flagged shortcomings in implementation in their transparency reports. The effectiveness of Article 21 depends not only on the issuance of decisions but also on their meaningful follow-through by platforms: That means making an informed decision whether or not to implement the ODS decision and feeding back. Where decisions are ignored or summarily rejected, the right to independent dispute resolution risks being reduced to a mere formality.

ODS Network Position

In the view of the ODS Network, platforms must respond to ODS bodies regarding whether they will implement a decision and – where a platform decides not to implement – it must provide dispute-specific reasoning explaining why.

The non-binding nature of ODS decisions does not displace the good faith obligation under Article 21(2) DSA - it determines its shape at the implementation stage. If good faith engagement ended at the moment the decision was issued, the obligation would be hollow: platforms could comply with Article 21 simply by participating in proceedings while disregarding the outcome. Such a reading is incompatible with both the wording and the purpose of Article 21, which is to provide users with an effective avenue of independent redress.

Read in light of the purpose of Article 21, the good faith obligation must extend to the implementation phase and carry two concrete consequences:

(i) Procedural - duty to respond. Platforms must respond to ODS bodies regarding whether they will implement a decision. Where a platform decides not to implement, it must provide dispute-specific reasoning explaining why. Silent or generic refusals are incompatible with the good faith obligation and prevent ODS bodies, users, and regulators from assessing platform conduct.

(ii) Substantive - presumption in favour of implementation. Platforms are expected to implement well-reasoned ODS decisions made by legal or policy experts, unless they have compelling, dispute-specific reasons not to do so. Such reasons may include, for example, a clear error in the ODS decision or a conflict with another binding legal obligation. Mere disagreement with the outcome is not a compelling reason. The non-binding character of ODS decisions does not entitle platforms to refuse implementation arbitrarily or as a matter of policy.

This presumption follows from the design of the ODS regime. ODS bodies are not informal mediators: under Article 21(3) DSA, they are certified by the competent Digital Services Coordinator only after demonstrating, among other things, the necessary expertise, independence, and impartiality, and after having in place clear rules of procedure. The legislator therefore deliberately invested ODS bodies with the institutional credibility needed for their decisions to carry weight. If platforms could routinely disregard those decisions, that certification framework would be deprived of practical effect.

The same conclusion follows from the user's perspective. The DSA presents ODS as a meaningful and accessible alternative to litigation. Users gather evidence, and rely on ODS bodies precisely because they expect a reasoned decision by an independent expert body to make a difference. If implementation were the exception rather than the rule, the value of the right enshrined in Article 21 would collapse: users would in practice be referred back to courts to obtain effective redress, undermining the purpose of the mechanism. For Article 21 to function as the legislator intended, implementation of well-reasoned ODS decisions must be the standard, and refusal the narrow exception.

Request

- (i) Confirmation that the good faith obligation under Article 21(2) DSA extends to the implementation phase, notwithstanding the non-binding nature of ODS decisions.
- (ii) Guidance that platforms must inform ODS bodies and users regarding the implementation of decisions, and that any refusal to implement must be substantiated with dispute-specific reasoning.
- (iii) Guidance that platforms are expected to implement ODS decisions absent compelling, dispute-specific reasons to the contrary.

Category 2: No Immediate Regulatory Guidance Needed

The issues in this category are subject to ongoing discussions between the ODS Network and the Digital Trust & Safety Partnership (DTSP), which represents platforms in these exchanges, with a view to defining mutually agreeable best practices. The ODS Network does not currently consider regulatory guidance on these issues to be urgently needed.

However, this assessment may change. Where bilateral discussions do not yield satisfactory results, issues may be moved from Category 2 to Category 1 - potentially with high priority. This is particularly relevant for issues of great significance to the effective and efficient functioning of the ODS process, such as the efficient sharing of data between platforms and ODS bodies, where further regulatory action may ultimately prove necessary.

Identification and sharing of content and decisions

High Priority: Major stumbling block to effective and efficient delivery of ODS and main driver of default decisions or equivalent

Issue

Both ODS bodies and platforms require sufficient and clear information to ensure efficient proceedings. While platforms require certain data points in order to identify content moderation decisions, ODS bodies require the disputed content and its context to perform case review and to make informed decisions. Satisfactory and efficient information exchange between ODS bodies and platforms requires clarity on what data each side is to provide, how content and decisions are identified, and what technical infrastructure supports the exchange.

ODS Network Position

The quality of ODS decisions depends crucially on the quality of data shared by platforms. Furthermore, the efficiency of information exchange ultimately depends on the technical and organisational arrangements taken by platforms. ODS bodies are committed to working closely with platforms to improve systems and operations, but two general points must be recognised: first, The information ODS bodies can collect from users depends on what platforms provide to users and how; second, the key challenge to date lies in ensuring ODS bodies receive all necessary information about content and moderation decisions.

Information to be provided by ODS bodies

ODS bodies will request relevant information from complainants (for example usernames, URLs, relevant dates) and share it with platforms. However, a) users can only provide what platforms make available to them and b) platforms must ensure that the information is easily accessible to users.

When platforms fail to provide or make accessible relevant information, for example by sending no or an incomplete statement of reasons under Art. 17 DSA, or by blocking access to a suspended account's information, this must not be to the detriment of the user. Provided there are other ways for the platform to identify relevant content or accounts, ODS bodies will proceed with disputes in this scenario.

Actions: The ODS Network has shared a list of data points to be provided by ODS bodies with DTSP (mid-April 2026, see ANNEX I) and both parties will continue discussions on this topic. The final document can be included in the best practice recommendations.

Information to be provided by platforms

To enable proper case review and to make informed decisions, ODS bodies require a minimum standard set of content and information from the platform, including the disputed content, related content needed for context, and the grounds for its decision, among others. The aim is to agree standard packages of information per case type that cover the vast majority of cases (80/20) in an "information-sharing matrix", essentially laying out that if this is the type of case, then this is the standard information package to be shared. Background and the request to regulators to confirm that related content needs to be shared can be found in Category 1 of this paper, the first draft matrix in ANNEX II.

Actions: The ODS Network has shared a first draft matrix of content and information needed for case review for feedback with DTSP (mid-April 2026, see ANNEX II).

Case identifiers

Unique case identifiers developed by platforms would facilitate content identification, streamline case management, and help detect duplicates. Platforms should provide single, easy-to-find reference IDs without requiring additional steps from users. This can be rolled out gradually and is not dependent on resolution of other issues.

Actions: DTSP has shared a first draft best practice proposal for unique case reference identifiers for feedback (mid-April 2026).

Technology use for data transfer

Data exchange must not be a one-way street. Platforms should provide push APIs for case information and pull APIs for further data (e.g. statements of reasons). Any submission through manual web forms or PDF files that requires re-entry of case data results in additional time spent.

Actions: The ODS Network and DTSP, potentially with the support of a service provider, will scope possibilities and requirements for a shared gateway or interface for data exchange.

Data sharing agreements

Low/medium priority: Data sharing agreements must not be a precondition for cooperation

Issue

Some platforms require the signing of data sharing agreements or NDAs as a precondition for cooperation.

ODS Network Position

The DSA and GDPR provide a sufficient legal basis for data sharing between platforms and ODS bodies. Both parties act as independent data controllers. Additional agreements are a best practice that can reduce friction and uncertainty in certain areas, but not a necessity. Therefore, they cannot be made a condition for cooperation, delay proceedings, or limit the independence of ODS bodies.

Next Steps

The ODS Network will continue discussions with platforms on whether and how to develop shared standards or templates for data sharing. If platforms persist in conditioning cooperation on the signing of agreements, the matter will be escalated to regulators.

Timelines

Low/medium priority: Aligning on key timelines will be mutually beneficial

Issue

ODS bodies and platforms currently operate with varying response times, creating inefficiencies.

Example

Step 1: An ODS body contacts a platform to request further information on a specific case and requires a response within a week but offers to extend the deadline if requested. The platform has a standard 28 day response time so does not address the email within the requested 7 day period either to provide the information or request additional time.

Step 2: After two weeks without a response, the ODS body starts issuing a decision based on the available information.

Step 3: After three weeks, just before the decision is sent out, the platform provides further information.

ODS Network Position

Timelines are a core element of good faith cooperation and vital for delivering a satisfactory outcome for users. Where applicable, platforms should reply within the timelines provided by the respective ODS body and, if they require extra time, communicate that need within the initial timeframe. As showcased in the above example, communication in cases where a timeline may not be met is very important.

ODS bodies will map their existing timelines and share these with platforms. It should be noted that some ODS body timelines are defined by certified rules of procedure and cannot be changed unilaterally. ODS bodies understand that a more unified approach may be beneficial for the overall efficiency of the system.

Next Steps

DTSP will develop a general process map of the ODS process at platform level, identifying key steps and timelines.

The ODS Network will provide an overview of the different steps in the ODS body process, starting with a mapping of the various timelines. Both sides will present their respective mappings and explore whether greater alignment is possible.

Classification of complex complaints

Low/medium priority: Agreement on a definition may be beneficial for the ODS process

Issue

There are differing approaches and uncertainty regarding what qualifies as a “highly complex” dispute according to Article 21(4) and, as such, which disputes benefit from an extended timeline of up to 90 additional days (total not exceeding 180 days).

ODS Network Position

It is important to distinguish between cases that are classified as “highly complex” under Article 21(4) and situations where process rules or cost structures refer to “complex cases,” possibly using the term in a different sense.

ODS bodies are open to working towards greater clarity on what qualifies as complex under Article 21(4), but cannot align rules of procedure or cost structures on this basis due to variance in certification conditions and operating models. The designation “complex” under Article 21(4) carries specific legal implications and criteria, whereas other uses of the term may not align with that qualification or carry the same significance.

Next Steps

ODS bodies will propose categories for when a case qualifies as highly complex under Article 21(4) and share these with platforms for discussion. Following these discussions, a more advanced written proposal can be submitted to the BPR process.

Fee methodologies and assessments

Low/medium priority: ODS bodies fees have been determined with the certifying DSCs

Issue

Platforms seek greater visibility into ODS fee structures and how cases are classified into cost categories.

ODS Network Position

ODS bodies depend on fee income, and it is crucial that platforms continue to pay fees in all disputes in a timely manner. Fee structures are inseparable from ODS bodies' certified operating models. Whether fees are reasonable and do not exceed costs is a point for DSCs to assess — not something to be litigated case-by-case with each platform.

ODS bodies commit to transparency regarding pricing changes, advance notice, and aggregated reporting on average fees by case type. Standard and default decisions resulting from platform non-cooperation also need to be paid. Invoicing at the time of decision issuance, on a monthly basis with a 30-day payment term, should be considered best practice.

Next Steps

The ODS Network will develop a best practice proposal to increase transparency regarding the classification of cases in cost categories, as well as standard payment modalities. ODS bodies will continue to engage their respective DSCs on fee methodology.

Remoderation of content

Low/medium priority: Current approach is operational

Issue

During proceedings, platforms sometimes reverse their moderation decision after a dispute has been opened, acknowledging that their initial content moderation action was wrong. Some platforms then seek to dismiss the dispute and refuse to pay fees for costs incurred.

Example

A user files a complaint with an ODS body because their account has been suspended. The ODS body notifies the platform of the dispute and requests further information. The platform then reverts its content moderation action and restores the account. It then claims the lack of a dispute under Article 21(1) DSA and refuses to pay the ODS body's fees for the work incurred until remoderation.

ODS Network Position

The ODS Network takes the view that, in cases where the platform remoderates its content moderation action after having been informed of the complaint, a dispute within the meaning of Article 21 DSA exists on which ODS bodies may issue a decision.

Remoderation in this context refers to the situation where a platform changes the moderation action subject to the dispute **after** being contacted by the ODS body and acknowledges an error. Where platforms acknowledge an error and reverse the moderation action **before** a dispute has been submitted to the ODS body and the ODS body has contacted the platform, ODS bodies regularly close relevant cases.²

Where remoderation occurs **after** a dispute was raised, the user's right to independent review under Article 21 remains intact. The platform's position that no dispute exists is not acceptable as Article 21 is very clear that ODS is an additional remedy available to users and independent of the Article 20 (1) internal complaints mechanism. Remoderation during proceedings should be treated as a revised platform submission; the ODS body then assesses whether the dispute is resolved. Key to this distinction is the date and time of remoderation. **Platforms must, by default, share the nature, date and time of any remoderation action they performed with the ODS body that raised the dispute.**

Fees for work performed by ODS bodies remain due regardless of remoderation, though ODS bodies may choose to charge an adapted fee.

Next Steps

The ODS Network will share an overview of how different ODS bodies are currently handling remoderation of content.

Further exchange with platforms will be sought to understand what happens when a decision is remoderated (e.g. is enforcement action reversed, strike on account removed and or any subsequent penalties affected).

² Unlike cases where content moderation measures simply **expire after a period of time**, remoderation of content involves an acknowledgement that the platform has acted in error. This is a significant difference, and decisions to remoderate are therefore treated differently from situations in which content moderation actions simply expire.

Points of contact

Low/medium priority: A practical necessity but not vital for the ecosystem

Issue

ODS bodies and platforms currently lack dedicated functional contact points for ODS-related communication, creating inefficiencies in procedural clarifications, escalation, and non-case-specific coordination.

ODS Network Position

Dedicated functional email addresses for ODS-related communication are needed on both sides, for procedural clarifications, escalation, and non-case-specific coordination.

Next Steps

DTSP will create a shared directory of functional contact points, including email addresses for (1) general queries and (2) case-related exchanges.

ODS bodies will compile and share their corresponding list of contact addresses with platforms.

Visibility of ODS body scope and certification details

Low/medium priority: A practical necessity but not vital for the ecosystem

Issue

There is currently no comprehensive and accessible overview of ODS body competences, scope, and certification details. The European Commission's [webpage](#), which also serves as a main landing page for signposting from where users can select an ODS body, does not fulfill this purpose. As a result, there is some uncertainty about which ODS bodies are competent to handle which disputes.

ODS Network Position

ODS bodies will compile an overview of their competences, scope, and certification details to be shared with platforms, the European Commission, DSCs, and civil society. This will provide all stakeholders with the clarity needed to understand the scope and mandate of each ODS body.

The DSA and the DSC's certification are the only legally binding determinations of the ODS bodies' competences, scope, and certification. Therefore, any information shared or overview created is for information purposes only and cannot be used by platforms in litigation or in any other way to limit the scope of an ODS body. Questions regarding scope must be directed at the certifying DSC.

Next Steps

ODS bodies are preparing a shared overview of competences, scope, and certification details, which will be shared with relevant parties.

Transparency reporting goals and common data standard

Low/medium priority: Minimum common standards on reporting data will benefit regulators, researchers, and the entire DSA ecosystem by enhancing transparency and availability of data

Issue

ODS bodies and platforms use inconsistent terminology and reporting frameworks, making it difficult to compare data across bodies and assess the overall functioning of the Article 21 dispute settlement mechanism.

ODS Network Position

Basic approximation of terminology between ODS bodies and platforms is a useful first step. Each side will develop a list of commonly used terms. The ODS Network welcomes efforts by DTSP to map the ODS process at platform level and work towards more closely aligned terminology.

ODS bodies should aim to publish transparency reports (for example, an annual report that includes the core data required in ODS body reporting to their certifying DSC) and, in the longer term, work towards minimum common data standards for sector-wide reporting. Fee justification does not belong in transparency reports — this is a matter between ODS bodies and their DSCs.

Next Steps

The ODS Network will begin work on a list of commonly used terms and their definitions.

Abuse prevention

Low/medium priority: Current numbers do not suggest this should be a high priority issue

Issue

Best practices for identifying and preventing abuse have not yet been developed.

ODS Network Position

ODS bodies and platforms share an interest in preventing the abuse of the ODS system. Nevertheless, current data available to ODS bodies based on the submissions of disputes to date does not suggest concerning patterns.

A high volume of complaints from one individual or entity does not constitute abuse: Article 23 (2) sets a high bar in this respect - the notices and complaints submitted by the user in question under Articles 16 and 20, respectively, would need to be “manifestly unfounded”.

Furthermore, Article 23(2) DSA positions platforms as the first line of defence against complainants who abuse their notice-and-action or complaint-handling systems. When it comes to Article 21 DSA, the only mention of any abuse is in Article 21(5) and refers to disputes brought in cases where the ODS body finds that these have been brought by a user who has “manifestly acted in bad faith”.

Since these are very high legal thresholds, best practices development should *prima facie* focus on more practical matters, for example misrepresentation or fraud, for which best practices can be drawn from the ADR sector.

Next Steps

The ODS Network will propose a suggested definition of what qualifies as abuse, drawing on existing ADR practices. This will be further discussed bilaterally with platforms, with a view to making a joint proposal that can be incorporated in the best practices recommendations.

Designation of disputes as duplicates

Low/medium priority: Current numbers do not suggest this should be a high priority issue

Issue

Duplicate disputes (where the same user submits the same dispute multiple times to one ODS body or across multiple ODS bodies) may create operational inefficiencies. Best practices for identifying and handling duplicates, and for allocating responsibilities between platforms and ODS bodies, have not yet been established.

ODS Network Position

While ODS bodies, depending on capacity, may be able to filter out duplicate submissions by one user on the same piece of content/issue, platforms are generally the common denominator: Only the platform will know if the same exact piece of content or the same user account suspension has been brought to ODS more than once.

Therefore, ODS bodies consider that platforms are best placed to identify duplicates through their internal systems. When alerted, ODS bodies will mark disputes as ineligible upon receipt of adequate proof.

The burden of proof should therefore be on the platform and should meet a minimum set of criteria, which could be further defined as “Article 21 duplicate” criteria in further best-practices documentation: For example, same original platform decision, same information, same grounds for the complaint.

Next Steps

DTSP will suggest a proposal for how platforms will identify and flag duplicate disputes. The ODS Network will coordinate on the steps to take when platforms alert them of a potential duplicate.

Relation to internal appeals mechanism

Low/medium priority: Legislation is clear on this issue

Issue

There has been discussion around how the Article 20 DSA and Article 21 DSA processes interact in practice and whether users must use internal complaint-handling systems before initiating ODS proceedings.

ODS Network Position

There is broad agreement that users need not exhaust Article 20 internal appeals before accessing Article 21 ODS, this is the clear meaning set out in Article 21. The legislator intentionally designed these as parallel rights to incentivise platforms to offer effective internal mechanisms and to offer users an alternative to either direct remedy from platforms or litigation in courts. Requiring a return to the platform's internal complaint-handling systems after previously reporting content would mean users must submit three complaints (initial report, internal appeal, external appeal), which is excessive.

Next Steps

Agreement on the legal situation has been reached with most platforms. This should be documented in the best practices recommendations.

Decision made after DSA came into effect

Low/medium priority: Principal agreement

Issue

It is unclear whether Article 21 disputes should be limited to moderation decisions made after the DSA came into effect, or whether earlier decisions may also be subject to dispute settlement.

ODS Network Position

ODS bodies can agree to only accept disputes relating to decisions made after the DSA came into effect. This position is shared across the ODS Network and will be confirmed in writing.

Next Steps

For documentation in the best practices recommendations.

Annex I: Information to be provided by ODS Bodies

This paper concerns the information-sharing needs that arise in the initial stage of ODS proceedings, from intake until decision-making. It is limited to data points that can reasonably be obtained from complainants and shared by ODS bodies with platforms in order to identify the enforcement decision at issue and to enable the platform to provide the information relevant to the case.

Matters arising after the ODS decision has been adopted, including implementation, follow-up exchanges, and broader technical data-sharing standards, are outside the scope of this paper. This paper is a first draft and should be seen as a living document.

I. Best possible solution: Use of unique case identifiers

Platforms share a unique case identifier with users when they notify the user of a content moderation action either on the users content or account. This unique case identifier should be easily detectable for the affected user. Out-of-court dispute settlement (ODS) bodies would request this identifier from complainants at intake and communicate it to the platform as part of the Request for Information (RFI) process. The platform should be able to use this Unique Identifier (UID) to locate the content / account in dispute.

II. In the absence of unique case identifiers: List of data points that can reasonably be identified and submitted by users/shared with platforms

Information	Information to be provided in cases where subject of the complaint is the platform’s decision not to remove a reported piece of content	Information to be provided in cases where subject of the complaint is the platform’s decision to restrict or remove or remove the complainant’s content	Information to be provided in cases where subject of the complaint is the platform’s decision to suspend the complainant’s account
Username (display name) OR URL to user’s profile	YES (of the user who has reported the content)	YES	Optional, where available
User email address	NO	NO	YES
URL to the reported content as provided by the user (no verification by ODS bodies)	Optional, where available	NO	NO
Platform name	YES	YES	YES
Date of the moderation action	YES	YES	YES
Content type	Optional	Optional	NO
Additional context for the request as provided by the user	YES	YES	YES
Internal ODS body case ID	YES	YES	YES

Annex II: Information to be provided by platforms

This paper is a first draft and should be considered a basis for discussion and a living document. It sets out a taxonomy of information, which (1) maps main and related content and (2) explains why said content is necessary to settle disputes.

I. Metadata

Information	Explanation why the information is necessary to settle disputes
Unique case identifier	It can be used as a way to confirm that the information provided by the platform actually relates to the decision that is the subject of the complaint.
Date and time of decision	Important for determining the eligibility of cases.
Whether or not an action was taken as a result of the platform decision (including non-action) and the exact enforcement action taken (e.g. account suspension, strike, removal of content, feature limitation, temporary feature limitation, etc.).	Identification of the specific subject matter of the complaint.
Remoderation (if applicable): Date and time of remoderation action, and the outcome of the remoderation action (e.g. whether the decision was reversed, updated and strike removed from users account, etc.)	Important for determining the eligibility of cases and next procedural steps for ODS bodies.
If applicable: Date and time of expiration of content moderation measure	Important for understanding time sensitive nature of content and potential impact on users engagement To establish the time remaining on temporary content after the content moderation action was taken.
If applicable: Date and time of expiration of reported content	

II. Information on the legal and factual basis of the content moderation decision

1. Moderation measure relates to an individual piece of content (e.g. deletion, demotion, etc.), excluding account bans based on a single serious violation of community standards
 - a. Information on the **legal / contractual basis** of the moderation measure

Information	Explanation why the information is necessary to settle disputes	Information to be provided in cases where subject of the complaint is the platform’s decision not to remove a reported piece of content	Information to be provided in cases where subject of the complaint is the platform’s decision to restrict the complainant’s content
Ground for content moderation action (no violation of legal provisions OR no violation of community standards)	Determination of the applicable standard of review	YES	NO
If content moderation action is based on community guidelines: name of and specific, public section in the community guidelines (e.g. “Hateful conduct, dehumanising speech”)		NO	YES
If content moderation action is based on legal provisions: relevant legal provision (e.g. “Art. 2 of Regulation (EU) 2024/264)		NO	YES

b. Information on the **factual basis** of the content moderation decision: **Disputed content**

Information	Explanation why the information is necessary to settle disputes	Information to be provided in cases where subject of the complaint is the platform’s decision not to remove a reported piece of content	Information to be provided in cases where subject of the complaint is the platform’s decision to restrict the complainant’s content
Type of disputed piece of content (e.g. post / pin / comment / video / image / story)	Identification of the specific subject matter of the complaint	YES	YES
Disputed piece of original content in unaltered form (e.g. not translated, trimmed, blurred or shortened). Animated media in its original .mp4 format, static media as .png screenshots	Enabling the ODS body to review the disputed piece of content - the standard should be that the disputed piece of content is shared in the same way the user saw it, meaning unaltered and with captions intact	YES	YES
If applicable: caption that relates to the disputed piece of content (e.g. screenshot of caption)		YES	YES

c. Information on the **factual basis** of the content moderation decision: **Related content**

Type of disputed piece of content	Related information to provide context to the disputed piece of content	Explanation why the information is necessary to settle disputes	Information to be provided in cases where subject of the complaint is the platform’s decision not to remove a reported piece of content	Information to be provided in cases where subject of the complaint is the platform’s decision to restrict the complainant’s content
Comment (Required Format: .PNG, .TXT, .JSON or .GIF if applicable)	Parent content the comment refers to in unaltered form (e.g. not translated, trimmed, blurred or shortened). Animated media in its original .mp4 format, static media as .png screenshots	Enabling the ODS body to review the disputed comment in the context of the original piece of content it was applied to.	YES	YES
	Thread of comments the disputed content is part of If disputed comment is part of a thread, the thread should be shared by default. Should the platform not provide the thread of comments, it should confirm it is because the disputed content was only in response to the parent content and not part of a conversation amongst other comments.	To understand whether the comment is a direct response to the post, a reply to another comment, or part of an ongoing conversation	YES	YES
	Mentions and Tags	To understand if a specific, identifiable	YES	YES

		individual is being targeted. This is necessary to evaluate all comments but especially important to evaluate content against multiple policies that include, but are not limited to, Bullying and Harassment, Privacy, Violence and Incitement policies, and various criminal codes etc.		
	Information on whether the action was taken as a result of a first person report (uploader disputes)	Important to know if the content was removed as a result of a first-person report, i.e. the person they were targeting in their content is the one who reported it to the platform. Certain lines of the policy are only applicable for first person reporting.	NO	YES
	Additional media attached (Videos, images, link)	To understand the complete scope of the comment and to determine if the user is attempting to direct traffic to external websites.	YES	YES
Video (Required Format: .MP4)	Captions (Title of video, hashtags, description of video, mentions, tags, links)	To understand the full context of the media. Isolated visual media can be misleading. The accompanying text provides the necessary narrative framing to accurately determine intent	YES	YES
Post (Required Format: .MP4 if animated or .PNG if static, .PNG, .TXT or	Captions (Body Text, Hashtags, mentions, tags, links)	To understand the full context of the media. Isolated visual media can be misleading. The accompanying text provides the necessary narrative framing to accurately determine intent	YES	YES

.JSON for Captions)	Additional media attached (Videos, images, link)	To understand the complete scope of the post and to determine if the user is attempting to direct traffic to external websites.	YES	YES
Carousel, Stories, Reels (Required Format: .MP4 if animated or .PNG if static, PNG, .TXT or .JSON for Captions)	Captions (Body Text, Hashtags, mentions, tags, links)	To understand the full context of the media. Isolated visual media can be misleading. The accompanying text provides the necessary narrative framing to accurately determine intent	YES	YES
	Additional media attached (Videos, images, link)	To understand the complete scope of the media and to determine if the user is attempting to direct traffic to external websites.	YES	YES
Image (Required Format: .PNG, PNG, .TXT or .JSON for Captions)	Captions (Body Text, Hashtags, mentions, tags, links)	To understand the full context of the media. Isolated visual media can be misleading. The accompanying text provides the necessary narrative framing to accurately determine intent	YES	YES
Pin and Boards (Required Format: .MP4 if animated or .PNG if static, PNG, .TXT or .JSON for Captions)	Captions (Body Text, Hashtags, mentions, tags, links)	To understand the full context of the media. Isolated visual media can be misleading. The accompanying text provides the necessary narrative framing to accurately determine intent	YES	YES
	Additional media attached (Videos, images, link)	To understand the full context of the media. Isolated visual media can be misleading. The accompanying text provides the necessary narrative framing to accurately determine intent.	YES	YES

Paid advertisement (Required Format: .MP4 if animated or .PNG if static, PNG, .TXT or .JSON for Captions)	Link to landing page, Outbound links or off-platform contact information	To understand exactly where the ad is driving user traffic.	YES	YES
	Captions (Body Text, Hashtags, mentions, tags, links)	To understand the full context of the media. Isolated visual media can be misleading. The accompanying text provides the necessary narrative framing to accurately determine intent	YES	YES
	Additional media attached (Videos, images, link)	To understand the visual representation of the product. Text descriptions may appear benign, but the accompanying images provide the necessary visual context to reveal counterfeits, illicit goods, or misleading representations.	YES	YES
	Thread of comments	To understand user engagement and feedback on the advertisement, which often provides necessary signals regarding the authenticity or deceptiveness of the product being promoted.	YES	YES
	Seller/User profile link	To understand the nature of the business, commerce entity, or seller behind the advertisement, which is required to assess the legitimacy of the commercial actor operating on the platform.	YES	YES
Marketplace Listing (Required	Outbound links or off-platform contact information included in	To understand exactly where the listing is driving users.	YES	YES

<p>Format: .MP4 if animated or .PNG if static, PNG, .TXT or .JSON for Captions)</p>	<p>the listing</p>			
	<p>Captions (Full listing description, title, price, and category tags, body text, hashtags, mentions, tags, links,)</p>	<p>To understand the complete context of the item or service being offered. Isolated visual media can be misleading. The accompanying text provides the necessary narrative framing to accurately determine intent</p>	<p>YES</p>	<p>YES</p>
	<p>Additional media attached (Videos, images, link)</p>	<p>To understand the visual representation of the product. Text descriptions may appear benign, but the accompanying images provide the necessary visual context to reveal counterfeits, illicit goods, or misleading representations.</p>	<p>YES</p>	<p>YES</p>
	<p>Thread of comments or public Q&A on the listing.</p>	<p>To understand user engagement and feedback. Public comments often provide necessary signals regarding the authenticity of the product or deceptive seller practices.</p>	<p>YES</p>	<p>YES</p>
	<p>Seller/User profile link</p>	<p>To understand the nature of the seller. This is necessary to assess the legitimacy of the commercial actor and identify potential fraudulent accounts or coordinated scam networks.</p>	<p>YES</p>	<p>YES</p>

2. Moderation measure relates **to multiple pieces of content** (restriction or suspension of user account)

Example: According to the platform's community guideline "Deactivation of Accounts", a user account may be permanently suspended if a user has received five strikes. Strikes are imposed for violations of the community guidelines. They automatically expire after 90 days and will no longer be taken into consideration for a permanent account ban. The platform justifies a permanent account suspension on the grounds of a repeated violation of its community standards. It assumes that the user has published two comments that violated the 'Hateful Conduct' and 'Bullying and Harassment' guidelines.

- *The platform should inform ODS bodies of the name of the guideline that sets out the conditions for account suspension ("Deactivation of Accounts") and refer to the relevant section in this guideline ("We may remove your account after five strikes"). In addition, the platform must inform of the name of the guidelines on the basis of which moderation action leading to a strike was taken ("Hateful Conduct" / "Bullying and Harassment") and refer to the relevant sections in those guidelines ("Encouraging violence" / "Unwanted sexual comments").*
- *The platform should also provide information related to the moderation decision for each comment in accordance with the matrix above.*
- *In addition, platforms should indicate the date and time on which the strikes were imposed.*

a. Information on the **legal / contractual basis** of the restriction or suspension of the user account

Information	Explanation why the information is necessary to settle disputes	Information to be provided in cases where subject of the complaint is the platform’s decision not to suspend a reported user account	Information to be provided in cases where subject of the complaint is the platform’s decision to restrict / suspend the user’s account
Ground for decision not to restrict or suspend the user account (no violation of legal provisions OR no violation of community standards)	Determination of the applicable standard of review	YES	NO
If enforcement action is based on community guidelines: name of and specific, public section in the community guidelinesname of the community guideline (e.g. "Hateful conduct, dehumanising speech")		NO	YES
If enforcement action is based on singular or cumulative action	Helps to understand if the enforcement action was for example based on a one-strike severe violation. This should help future proof as strike systems may evolve.	NO	YES
For each moderation action that gave rise to a strike and underlies the account restriction or suspension:			
If content moderation action is based on community guidelines: name of and specific,	Determination of the applicable standard of review	NO	YES

public section in the community guidelinesname of the community guideline (e.g. "Hateful conduct, dehumanising speech")			
If content moderation action is based on legal provisions: relevant legal provision (e.g. "Art. 2 of Regulation (EU) 2024/264)		NO	YES

b. Information on the **factual basis** of the content moderation decision

Information	Explanation why the information is necessary to settle disputes	Information to be provided in cases where subject of the complaint is the platform's decision not to suspend a reported user account	Information to be provided in cases where subject of the complaint is the platform's decision to restrict / suspend the user's account
<i>For each piece of content that led to a moderation action associated with a strike and that underlies the account restriction or suspension:</i>			
Type of disputed piece of content (e.g. post / pin / comment / video / image / story)	Enabling the ODS body to identify the piece of content that led to a moderation action associated with a strike and that underlies the account restriction or suspension	NO	YES
Disputed piece of original content in unaltered form (e.g. not translated, trimmed, blurred or shortened). Animated media in its original .mp4 format, static media as .png	Enabling the ODS body to review the disputed piece of content that led to a moderation action associated with a strike and that underlies the account restriction or suspension	NO	YES

screenshots			
If applicable: caption that relates to the disputed piece of content (e.g. screenshot of caption)	Enabling the ODS body to review the disputed piece of content that led to a moderation action associated with a strike and that underlies the account restriction or suspension	NO	YES
If applicable: related information to which the disputed piece of content refers as per the above matrix for related information	Enabling the ODS body to review the disputed piece of content	NO	YES