



Digital Trust
& Safety Partnership

Out-of-court Dispute Settlement

Position Paper

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Summary

This position paper, developed by the Digital Trust & Safety Partnership (DTSP) Out-of-court Dispute Settlement (ODS) Working Group, addresses the emerging ODS ecosystem under the EU Digital Services Act (DSA). The ODS regime creates a novel marketplace for content moderation redress in the EU, with new actors, dynamics and expectations. Users, platforms and regulators are navigating unfamiliar ground, which demands a structured effort to identify challenges and build workable solutions.

First published for consultation in December 2025 and now revised and updated following consultation with stakeholders, this paper identifies best practices and proposes solutions to facilitate an ODS regime capable of delivering swift and cost-effective redress over content moderation disputes at scale. It highlights four foundational principles:

- Consistent expertise and competence;
- Effective eligibility, materiality and abuse prevention;
- Proper use of any available internal complaints and appeals process; and
- Reasonable and proportionate cost and fee structures.

Industry best practices are identified and described for platform onboarding of ODS bodies, user awareness, information collection, and eligibility checks. Key challenges are identified and proposed as possible areas for the development of regulatory guidance.

Stakeholder Engagement

This paper supports discussion of the perspectives of online platforms with stakeholders in the DSA Article 21 ecosystem, including a productive and ongoing dialogue with regulators and ODS bodies. Building an effective and trusted ODS regime requires effective and practical engagement between online platforms, regulators, dispute settlement bodies, civil society, and users. Each holds an important perspective on how ODS functions in practice and their participation and cooperation is necessary to develop approaches that are workable, credible, and ultimately capable of serving the core objective of providing meaningful, accessible, and rights-respecting redress for users of online platforms. DTSP is grateful for the interest and input from wide-ranging stakeholders and looks forward to continuing its engagement with them on this topic.



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1. Introduction

In the European Union, an Out-of-court Dispute Settlement (ODS) ecosystem was created by Article 21 of the EU Digital Services Act (DSA). Operational since August 2024, when the first ODS body was certified, the emerging ecosystem now includes nine certified bodies that offer users of digital platforms a new route to challenge certain content moderation decisions.¹

The Digital Trust & Safety Partnership (DTSP) is a unique initiative focused on promoting a safer and more trustworthy internet. As part of its commitment to developing, using and promoting industry best practices in digital trust and safety, this paper was developed by the DTSP ODS Working Group. Its members are: Bumble, Discord, eBay, Google, LinkedIn, Match Group, Meta, Pinterest, Reddit, SHEIN, Snap, Temu, TikTok and Twitch.

As with any novel regulatory process, the initial implementation of Article 21 has presented significant operational and legal challenges. This paper identifies best practices that can help to address these challenges, together with proposals intended to enable ODS to scale and achieve its primary objective of delivering swift, and cost-effective resolution of content moderation disputes.

The Working Group has identified four foundational principles which are essential for the successful implementation of Article 21:

- **Consistent ODS body expertise and competence** to administer a scalable content moderation dispute resolution, with due regard for online safety and platform policies, and which results in users and platforms receiving high quality decisions.
- **Effective eligibility, materiality and abuse prevention** practices that keep resources focussed on providing clear, predictable and workable processes for legitimate disputes, and which prevent the system from being undermined by the admission of unnecessary, frivolous, vexatious or bad faith cases.
- **Proper use of available internal complaints and appeals processes**, building on the complementary relationship between DSA Articles 20 and 21 to deliver fast and efficient redress by encouraging users to engage a platform's internal mechanisms before referring a dispute to an ODS body where necessary.
- **Reasonable and proportionate fee structures** that are based on the underlying costs incurred, complemented by effective transparency and governance, thereby ensuring the sustainability of the ODS bodies as well as a well-functioning ODS marketplace for both users and platforms.

¹ European Commission, "Out-of-court dispute settlement bodies under the Digital Services Act (DSA)," <https://digital-strategy.ec.europa.eu/en/policies/dsa-out-court-dispute-settlement>.



The above principles are important enablers to ensure an effective and consistent ODS ecosystem and are elaborated and illustrated with case studies in the first part of this paper (section 2).

This is followed by a review of emerging best practices to harmonise procedural rules and increase the efficiency and scalability of the system (section 3). There is a clear opportunity and need for ODS bodies and platforms to align around some key operational principles. In the six months since this paper was first published, the ODS Working Group has been in regular dialogue with ODS bodies. We have made some progress, in particular as regards proposed best practice for a target set of information for ODS bodies to collect from users (section 3(c), below). As our dialogue increases understanding between the actors in this new and growing ecosystem, we aim to establish best practices in this and other areas.

At the same time, there are certain areas, such as the certification process, fee methodologies and information sharing complexities which require regulatory engagement and input to effectively foster compliant, predictable and consistent ODS market conditions (section 4).

2. Principles for Building an Effective Out-Of-Court Dispute Settlement Ecosystem

The DSA's ODS mechanism was established to provide users of online platforms in the EU with an accessible and independent avenue to challenge platform content moderation decisions. An effective ODS marketplace can strengthen user rights and enhance trust in digital services. The DTSP ODS Working Group shares this objective.

Against this backdrop, the following foundational principles have shaped the best practices and proposals set out in this paper. They aim to support the development of an ODS system that operates coherently, fairly, proportionately, and in full alignment with the DSA's objectives.

a. Consistent ODS body expertise and competence

A fragmented and unclear certification process with differing national practices and standards has led to inconsistencies in the required operating conditions of ODS bodies: independence, impartiality, expertise, competence and capacity to manage ODS processes swiftly, efficiently and cost-effectively.

The lack of a harmonised approach on certification, a foundational aspect of the ODS system, is striking when compared to other DSA content moderation obligations such as statements of reasons and transparency reporting, which apply to online platforms in a uniform manner. It is difficult to envisage that the certification process anticipated and addressed the real practical and operational issues resulting from a novel content moderation dispute system to the level of detail that is required as raised in this paper.

Case study: Discrepancies and issues with ODS body certification

One VLOP was required to challenge a particular entity purporting to be an out-of-court dispute settlement body "established under Article 21(6)", The VLOP's request for proof of certification from the entity was refused, with the entity claiming that it was not a requirement. Following further engagement, the entity agreed to obtain and provide a certification from the national Digital Services Coordinator (DSC) under Article 21(3).

While proof of certification was eventually provided, the ODS body's approach and the general lack of clarity around such a fundamental issue raises concerns around the certification application process and the due diligence performed by the relevant DSC.

Beyond the underlying mechanisms for obtaining certification, online platforms have also noticed a mismatch between the legal authority granted to ODS bodies to administer complaints and the realities of modern-day content moderation.



The ODS body certifications often grant abstract and high-level authority. There is often no clear connection to content moderation subject-matter areas (e.g. hate speech, terrorism, bullying, misinformation), features (e.g. video, audio, written), enforcement actions (e.g. content takedown, restriction, warning labels) or languages. In particular on languages, platforms have noticed confusion and ambiguity on the distinction between the languages of competency of the ODS body in which it can administer and resolve the complaint, and the language of the underlying content which is the subject-matter of the complaint.

The consequence of these abstract certifications is an ambiguous translation and mapping exercise between the certified competence of an ODS body and a platform's content moderation regime. This is complex and raises procedural and practical challenges, including disputes around admissibility, which can undermine the experience for all parties, as well as the long-term effectiveness of the ODS regime.

Inconsistent expertise, competency and case handling approaches, all subject to the certification process, create uncertainty for both users and platforms, which in turn undermines trust in this new redress system. A coherent ODS ecosystem depends on a stable and interoperable market for dispute settlement services. Significant divergences between ODS bodies, including in complaint intake systems, case management processes, procedural and admissibility rules, and decision-making expertise, limit the extent to which users and platforms can benefit from these mechanisms.

Case study: ODS body decision quality concerns

Another consequence of the inconsistent certification approaches is wide divergence in decision-making quality from the ODS bodies. While differences are to be expected, and may even be welcome, some minimum standards should be required.

Decisions without reasoning or explanation as to why the ODS body took a particular view add little to no value to the parties to the dispute, neither to the complainant nor the platform. In circumstances where ODS bodies find against platforms on a content moderation decision, the failure to provide reasons makes it more difficult for platforms to implement the ODS body's recommendation or identify potential improvements in its content moderation practices. Instances have also been noted of non-decisions, with the ODS body attempting to mediate the matter or seek a compromise, but seemingly doing so without regard to a platform's content moderation rules and policies which govern the platform-user relationship.

ODS body transparency reports have described low implementation rates of non-binding recommendations and argue that this represents a failure of good faith engagement. However, this perspective overlooks a critical missing piece of the conversation: the qualitative soundness of those decisions. It is harder for online platforms to implement ODS recommendations that lack clear reasoning or substantive explanation. Where recommendations are not implemented, it can be a direct result of unactionable and poorly reasoned recommendations as opposed to a platform's rejection of the ODS process itself.

b. Eligibility, materiality and abuse prevention

The ODS system is new and complex. With nine ODS bodies and more to come, each certified according to different standards and expertise requirements, there is considerable scope for inconsistency, error and abuse. In its work to identify and develop best practices, the ODS Working Group is particularly mindful of the need to keep resources focussed on legitimate disputes and to prevent the system from being undermined by the admission of invalid, frivolous, vexatious or bad faith cases. ODS bodies should therefore establish clear and robust admission processes and rules that prevent users from submitting incomplete, inaccurate or invalid complaints.

Case study: Duplicate and invalid complaints

One online platform experienced a surge in duplicative and frivolous complaints from a single complainant. This complainant was able to submit more than 40 complaints concerning the same underlying moderation decision to the online platform over a period of several months, seemingly undetected by the ODS body's intake systems and controls. While the online platform raised these issues, and the ODS body agreed the complaints were invalid, significant time and resources were diverted away from legitimate complaints. Effective abuse safeguards, including technical safeguards built into ODS bodies' complaint intake systems and admission processes could eliminate or substantially reduce the risk of invalid complaints.

The same online platform noticed a similar issue in relation to another ODS body. In the platform's assessment, that body was not conducting effective pre-eligibility screening or conducting adequate reviews. Complaints were being sent to the platform for its response but a number of these complaints were invalid, either because the complainant had provided insufficient information, the complaint had been submitted too late, or the underlying redress sought had already been granted.

A central consideration in a dispute resolution regime is materiality. For the purposes of Article 21, materiality should be understood as whether the complainant is directly and meaningfully affected by the content moderation decision they seek to challenge, such that external dispute settlement is an appropriate and proportionate avenue for redress. This reflects the logic of DSA Recital 58, which provides that recipients of the service should be able to contest content moderation decisions that "negatively affect them." Properly understood, this points to a mechanism designed to provide redress where a platform decision has a concrete adverse impact on the complainant, rather than to create a general forum for abstract disagreement with certain moderation outcomes.

This consideration is particularly important in circumstances where Article 21 makes no principled distinction between two fundamentally different categories of complainants: those from "uploaders", whose content and/or account was subject to moderation, and those from "reporters", who seek intervention against the content of a third party. This is a significant

structural feature as uploaders seek to protect their own freedom of expression, whereas reporters are seeking to restrict the speech of others. Treating these positions as equivalent may have an unintended, disproportionate impact by obscuring the distinct interests, incentives, and risks associated with each, particularly when coordinated third parties can more easily report live content at scale, compared with a user seeking redress over their own removed content. Without appropriate safeguards this could lead to the ODS mechanism inadvertently contributing to the suppression of lawful expression rather than its protection.

A materiality-based approach would help ensure that ODS serves to resolve disputes for which external redress is most justified. In particular, it would help distinguish between cases where a complainant has been directly and adversely affected by a moderation decision, and cases where alternative mechanisms may be more appropriate. Such a threshold approach to “standing” is well-established in other areas of redress, particularly when balancing competing interests. Indeed, Article 21 forms part of a broader redress ecosystem: it is an important external safeguard, but not the only means through which user concerns can be addressed. Platforms are required to provide internal complaint-handling processes, and some also offer additional user tools, such as blocking, muting, or expressing disinterest in certain content. These mechanisms may provide more appropriate and proportionate responses than external dispute settlement, especially where the complainant cannot demonstrate a sufficiently direct and material impact, and bears no risk.

Case study: Thresholds for complaints

Article 21, as a mechanism, is open to abuse if complaints can be submitted indiscriminately. One online platform has noticed large volumes of complaints concerning non-actioned reported content submitted by independent organisations that claim to act on behalf of individuals. Given the underlying fee dynamics, there is no risk to the ODS body or the complainant in these circumstances: materiality is non-existent but opportunism to complain is high. It is unclear whether this particular dynamic was ever envisaged or whether the potential impacts to freedom of expression were effectively assessed.

The provision of nominal fees for complainants is set out in Article 21 and could act as a signal for materiality to ensure appropriate and necessary content moderation decisions are raised to the ODS level for external review. Such an approach could support the overall proportionality of the ODS regime and help ensure that access to external redress is not monopolised by certain actors.

A constructive dialogue among all stakeholders should help guard against the emergence of practices that could have unintended consequences for freedom of expression. As the system scales, those risks may become more pronounced. This is especially the case if coordinated third parties are able to generate complaints at volume in relation to lawful content, or seek to campaign on issues which would be better addressed through open dialogue in alternative forums. An effective, balanced, and credible ODS ecosystem is essential not only for user empowerment but also for the long-term integrity and sustainability of content governance

across the EU. To fulfil its promise, the system must be built on sound legal and governance principles while avoiding distortions or unintended consequences that could undermine these objectives.

Case study: Behaviour versus information

Disputes concerning account restrictions based on user behaviour — rather than specific user-generated content — should be excluded from the ODS mechanism. This position follows from the statutory language shared across Articles 17, 20 and 21 which explicitly limit their scope to moderation decisions taken "on the ground that the information provided by the recipient of the service is illegal content or incompatible with their terms and conditions". The phrase "information provided" refers to user-generated content — posts, comments, streams, images, videos — not user behaviour. This creates a clear boundary excluding purely behavioural enforcement actions (e.g. account suspensions due to fraudulent activity) from the DSA's redress framework.

One online platform reported receiving disputes from three ODS bodies concerning account suspensions based on users' fraudulent behaviour. The fraudulent behaviour involved users exploiting bots, stolen accounts and/or third-party services to artificially inflate advertising traffic or subscription counts, so artificially inflating the revenue they earned from the online platform, in violation of its Terms of Service. This was detected from data unrelated to content moderation. The online platform argued that the related disputes fell outside Article 21's scope. Two bodies agreed, finding the disputes did not relate to a decision within Article 20(1) DSA and therefore could not be examined under Article 21, and so did not charge the platform. The remaining body has yet to respond.

Without clear regulatory guidance, there is a risk of inconsistent approaches across ODS bodies. Subjecting behavioural enforcement to ODS risks exposing fraud and other safety detection methods to bad actors and overburdening a system designed for content disputes. Regulators should issue clear guidance confirming that behaviour-based account restrictions fall outside the ODS framework, disputes should be ruled inadmissible where a platform confirms the decision was based solely on user behaviour, and no fees should be charged to platforms for such disputes. This would reduce uncertainty, protect system integrity and preserve resources for the content moderation disputes that ODS was designed to resolve.

c. Proper use of any available internal complaints and appeals processes

Although the DSA does not require aggrieved users to engage a platform's internal mechanism before referring a dispute to an ODS body, in practice, completion of platform-provided redress mechanism prior to initiating ODS proceedings is preferable and should be adopted as a best practice.

Sequencing reviews builds on the complementary relationship between DSA Articles 20 and 21, and would deliver faster, more cost-efficient redress. Requiring the exhaustion of internal avenues before recourse to an external forum is a well-established principle of administrative proceedings, and we see no compelling reason to depart from that here. Sequencing steps ensures effective process integrity, since an ODS body would receive disputes free of any live parallel proceedings between an online platform and a user. It also allocates matters appropriately, as simpler complaints could be resolved through internal appeal mechanisms, reserving potentially more substantive and complex disputes for the ODS system.

Case study: Internal complaint-handling mechanism prerequisite for out-of-court dispute settlement proceedings

One online platform observed that internal appeals generally resolve much more quickly than ODS proceedings. Article 21(4) allows up to 90 days (180 for complex cases), while internal appeal mechanisms typically resolve within hours. Internal appeal mechanisms are required to provide effective redress under Article 20(1).

Users who could receive redress within hours instead wait weeks or months for non-binding recommendations. One ODS body reported that more than 40 percent of eligible disputes received immediate remedy upon platform notification, meaning the platform corrected the decision solely on the merits without additional ODS body analysis. These are precisely the clear errors that internal appeal mechanisms are designed to catch efficiently. When ODS proceedings resolve disputes that escalated internal review would have adequately determined, the capacity and resources of ODS bodies for independent review are being misapplied.

In addition, a significant portion of disputes submitted for ODS proceedings are ineligible. ODS bodies themselves disqualify substantial volumes at intake as reported in their transparency reports: one body reported that only a third of submitted disputes were within scope, and another states 49 percent of submissions from reporting year 2025 were inadmissible.

Internal appeal mechanisms accept appeals for the vast majority of content moderation decisions without requiring users to navigate the often complex requirements for ODS admissibility, such as scope limitations by service, content type, language, violation category, and jurisdiction. An internal appeal therefore offers users the widest opportunity to receive redress.

Encouraging or requiring users to attempt internal redress first filters out clear errors at scale and ensures that a dispute exists before engaging external proceedings. Sequential engagement ensures that disputes reaching ODS bodies have already survived internal scrutiny, positioning the ODS process to deploy its expertise in cases where more complex judgment can assist in determining the correct outcome.

As a starting point under this principle, before accepting a case, ODS bodies should seek confirmation from the complainant that the platform internal appeal process has been exhausted, and that the case is not already under review by another ODS process. This would contribute to clearer complaint eligibility, and prevent duplication of effort and wasted resources across different redress processes.

Case study: Parallel proceedings between internal and external redress mechanisms

One online platform sees users simultaneously engaging internal complaint-handling and ODS procedures. As platform appeal systems and ODS intake forms are not connected, parallel proceedings may go undetected by both parties until they create operational complications. ODS bodies have submitted a proportion of disputes to platforms after the user already appealed the same decision internally. In many of these cases, the internal appeal had already concluded in the user's favour.

In these cases, both parties deploy duplicative resources reassessing the same content moderation decision without awareness of each other's concurrent efforts. More critically, parallel proceedings produce ambiguous outcomes: if an enforcement is reverted via internal mechanisms while the ODS body is evaluating the dispute under the assumption it remains in effect, the resulting recommendation does not reflect the current state. An ODS "uphold" decision issued after content is already restored creates confusion about whether the body upholds the original enforcement or the current live state. This has ramifications for legal certainty should the user later seek further remedy.

Establishing a sequential relationship between Article 20 and Article 21 mechanisms would prevent duplication and administrative misalignment, ensure that an online platform's position is validated before external proceedings commence, and provide ODS bodies with a clearer factual baseline from which to assess disputes.

d. Reasonable and proportionate cost and fee structures

The underlying fee structure as currently applied under Article 21 places the financial burden for ODS dispute resolution on online platforms. Complainants and ODS bodies carry little to no risk, and ODS business models are based on high complaint volumes. This approach to market design, in terms of the incentives and financial dynamics at play, presents real material risks if left unsupervised and poorly governed.

This risk is not remote or theoretical: there are already signs of organised and strategically motivated actors in this marketplace. Some online platforms are receiving, and being asked to pay for, high volumes of cases which should have been assessed as inadmissible. ODS bodies are not incentivised to apply robust admissibility standards because invalid complaints do not attract fees. Beyond decision fees, online platforms have also been asked to pay complainants' "reasonable expenses" which have included claims over matters inconsistent with out-of-court dispute resolution, which is supposed to be swift, efficient and cost-effective.

Governance structures must be capable of counterbalancing risk-raising incentives and unintended dynamics, to ensure that ODS independent review remains grounded in expertise, integrity, and societal value, rather than the incidental effects of market design.

Beyond market design, Article 21 states that individual ODS body fees must be reasonable and based on the underlying expenses (costs) incurred by the body. A significant challenge arises when insufficient information is provided to be able to assess reasonableness or to verify underlying expenses. DSA Article 21(3)(e) conditions certification on cost-effective operations, and Article 21(4) empowers DSCs to monitor and supervise an ODS body's continued compliance with its certifying conditions. However, neither the criteria DSCs apply to fee structures during certification, nor the approaches ODS bodies take to meeting these requirements, are currently published, making it difficult to assess how they are applied in practice.

Inconsistency and variety of ODS bodies' approaches to charging fees is a further challenge in this area. Differences include charging higher fees based on the time taken by a platform to respond, unclear designations of complaints as "standard" or "complex" or whether the ODS body requires more than one decision-maker. This is complicated further by the fact that explanations of different rates assigned for certain decisions are not always clear on invoices provided by ODS bodies, and some fee models have seemingly changed without published evidence of regulatory approval.

The absence of market governance, clear standards and effective transparency undermines the good faith nature at the heart of Article 21, and managing payment requests at scale in this context presents real and practical challenges for platforms. ODS bodies should publish detailed fee methodologies, grounded in the requirements of Article 21, and issue case-level invoices that identify the categorisation applied and its rationale, such that there can be effective independent verification of the claimed fees. DSCs can contribute by publishing the methodologies used for evaluating ODS body fee structures during certification. Together these measures would help to address the current information vacuum facing platforms, thus providing greater assurance when processing invoices and allowing for the drawing of macro-level insights across the market.

Case study: Fee transparency

One online platform has seen identical types of content moderation decisions being reviewed by the same ODS body, with that body charging a different fee for each review. In a consistent process, such similarities would produce similar costs, but instead the second review fee has been higher with no clear explanation for the discrepancy. Without itemised invoicing and detailed fee methodologies, it is impossible for platforms to understand how a second review of a similar content type costs more than the first. For regulators, these inconsistencies are undetectable between Article 21(4) reporting periods.



In another instance, an online platform was charged approximately a two-fold difference in fees by two bodies evaluating identical content moderation decision types. While variation is expected, given differences in operating models and national cost environments, a cost divergence of this scope is difficult to attribute to environmental factors alone. Because ODS fees do not currently affect user demand (as platforms pay regardless), without a common benchmark for “cost-effective” there is no structural incentive for ODS bodies to find or pursue cost savings. Over time, this risks an upward cost trajectory rather than the efficiency gains Article 21(3)(e) requires.

Lastly, an ODS body charged a higher “complex” fee for disputes involving clear indicators of a terms-of-service violation, that would not ordinarily require additional expertise or deliberation, without explanation for the cost. Without published categorisation criteria and case-level justification, platforms cannot assess whether the higher charge reflects a genuine increase in resources required linked to the complexity, or an arbitrary uplift. Used in this manner, the complexity designation functions as an unchecked mechanism for fee escalation, undermining confidence that fees do not exceed costs incurred.

It is also reasonable to expect that ODS bodies have sufficient expertise to learn as they go, with the result that case categorisation is actively assessed so that a fact pattern or issue that may have been complex the first time it was encountered does not remain complex indefinitely. As certified experts, ODS bodies should have clear processes to significantly reduce the number of cases that are considered to be complex.

In advancing the following best practices and proposals, DTSP has proceeded with due regard to the concepts of transparency, proportionality, existing content moderation practices, and the territorial scope of EU law. Improving the ODS ecosystem must sit within a coherent normative framework that respects these concepts and must proceed in a manner that is consistent with wider legal obligations including systemic risk management duties, online safety including child safety, privacy and data protection.

Crucially, building an effective and trusted redress mechanism requires broad buy-in from all stakeholders. Platforms, regulators, dispute settlement bodies, civil society, and users each hold an important perspective on how ODS functions in practice. Their participation and cooperation is necessary to develop approaches that are workable, credible, and ultimately capable of serving the core objective of providing meaningful, accessible, and rights-respecting redress for end users.

3. Best Practices and Promising Developments: Early Examples

Emerging best practices to harmonise procedural rules and increase the efficiency and scalability of the system

This section identifies common issues arising during this early phase, describing corresponding best practices that can help to simplify and harmonise ODS processes.

a. Onboarding ODS bodies by platforms

Onboarding begins when a certified ODS body contacts a platform. DSCs may facilitate introductions with platforms within an ODS body's certified scope, or ODS bodies may provide verifiable confirmation from the DSC of their certification. In the absence of either, platforms may refer to the European Commission's website to confirm certification, although this page currently lacks sufficient detail to conduct effective assessment against the ODS body's scope and mandate.²

Following initial contact, platforms will guide ODS bodies through an onboarding or integration process before dispute processing can begin. At this early stage in the development of the ecosystem, this process differs between platforms, but in all cases it requires alignment between the two parties across several consecutive steps, so a reasonable delay should be anticipated between initial contact by an ODS body and the processing of their first dispute. Regulators could coordinate introductions with platforms soon after approving certification, thereby enabling completion of onboarding requirements in a timely manner.

When onboarding an ODS body, platforms may wish to include the following five key steps:

- 1. Rules of Procedure/Case Management:** In support of an efficient and effective working relationship, the ODS body and platform should align expectations and rules governing good faith collaboration between them. As part of this, clear and standardised processes for secure information exchange³ and for resolving operational or technical issues should be established.⁴

2 Available at <https://digital-strategy.ec.europa.eu/en/policies/dsa-out-court-dispute-settlement>.

3 An Information Sharing Agreement may alleviate some immediate data protection privacy risk in the absence of the required regulatory guidance (see section 4).

4 Further advice should be provided by the relevant DSC concerning their review of the ODS body's Rules of Procedures and their expectations regarding their applications to platforms.

2. **Technical onboarding:** To ensure the fast and secure transfer of information in relation to user disputes, platforms should provide the necessary training and technical support for ODS bodies to integrate platform data transfer systems into their workflows.
3. **Establish case identifiers:** platforms may establish a referencing system to track cases through the dispute lifecycle. Where provided, they should be included by ODS bodies in their invoices to platforms.
4. **Payment processes:** Given the novel payment arrangements provided by Article 21 and existing due diligence processes that ensure financial, legal and regulatory compliance, ODS bodies may also need to be onboarded into procurement systems to facilitate payment for valid decisions.
5. **Points of contact:** Complementing some or all of the above, platforms and ODS bodies may assign specific points of contact for issues or escalations.
6. **User awareness**

Platforms must inform users of their option to engage in the ODS process in an accessible, clear, and user-friendly way.⁵ They have taken a variety of approaches to this, including information within help or support pages, from which they can provide a link to the European Commission's ODS website.⁶

Another approach is to provide information within a platform's internal appeal mechanism, which may be the most relevant point for users and could increase the accuracy of their complaints. Strongly encouraging users to follow internal appeal mechanisms can enable and assist them to find the fastest and most efficient path to redress, including through ODS at the point when it is most relevant.

b. Information that ODS bodies should collect from users

To support an ODS review, platforms require sufficient information to identify the relevant content moderation decisions. This enables them to validate the dispute and respond to the ODS body with accurate information. The information that ODS bodies should collect from users is included at Appendix 1, below. Data to be collected is identified in the table with the following parameters:

1. **Data type:** whether the data is about the complainant, an uploader, the case details, or other additional information
2. **Information to be requested from complainant:** description of the data to be requested

⁵ See DSA Article 21(1).

⁶ Available at <https://digital-strategy.ec.europa.eu/en/policies/dsa-out-court-dispute-settlement>.

3. **Applicable complaint type(s):** the type of complaint for which the data should be requested: Leave Up, Content Removal, Demonetisation, Feature Limit
4. **Requirement:** whether collection of the data should be mandatory, or optional.

Obtaining these details for each complaint can reduce operational complexity for both platforms and ODS bodies and support faster resolution.

The use of unique case reference could further improve efficiency and security as the ecosystem matures. Platforms could include a case reference when informing users about content moderation decisions. If users then provided this to their chosen ODS body, and ODS bodies include it in requests for information regarding a dispute, the platform should be able to efficiently retrieve and provide information about the case. Platforms could use these case references to automate the identification and delivery of information about the case, to detect abuse and to reconcile invoices from ODS bodies.

c. Eligibility check elements

Inadmissible complaints waste the resources of all parties involved, so rigorous eligibility checks are a critical part of an efficient ODS mechanism. They also help to preserve the credibility and sustainability of the ODS ecosystem by protecting it from duplicative, vexatious, abusive, or bad faith complaints. In addition, without appropriate safeguards at a systematic level, the redress mechanism may inadvertently contribute to the suppression of lawful expression rather than its protection. ODS bodies should dismiss invalid and abusive complaints and where assistance from platforms is required, platforms and ODS bodies should cooperate to remove, and if necessary track, abusive complaints and complainants.

Checks should be made by ODS bodies upon receipt of a dispute, and by platforms upon identification of the relevant content moderation decision. The checks must uphold the rights of all users whilst helping to ensure that effective and meaningful delivery of redress under Article 21 at scale.

Eligibility checks should achieve the following objectives:

1. **Verify legality of dispute:** Platforms and ODS bodies must verify that the dispute has a clear legal basis for proceedings.⁷ This may include, among other criteria, that:
 - The dispute falls within the territorial scope of the DSA.

⁷ Both DSA Article 20 and 21 provide the legal foundation for ODS engagement. If Article 21 is utilised by a purported Article 86 organisation, the ODS body should perform effective checks and due diligence on the organisations' compliance with the DSA.

- There is no duplication due to the case having been already resolved or being under review by another ODS process.⁸
- The dispute concerns a platform in scope of Article 21.
- The dispute concerns a moderation decision made by the relevant platform.
- The moderation decision was made after the DSA came into effect.
- The dispute has been submitted within 6 months of the relevant content moderation decision being communicated to the user.⁹

2. **Validate the basis for dispute:** ODS bodies should confirm with platforms that it is feasible for the ODS process to deliver redress. For example, an ODS process should not be initiated in cases where:

- A content moderation decision has already been overturned as the result of, or is currently subject to, an internal appeal.¹⁰
- There is no content to assess or act upon, such as where a user has removed the disputed content, the content was only temporarily available and the time limit has lapsed, or legal obligations prevent the platform from retaining or sharing the relevant content.

Should a dispute not pass eligibility checks, the dispute should be dismissed as invalid. For effective eligibility checks to be completed before resources are committed, sufficient and relevant information must be requested from users at the start of the ODS process. The proposed target set of information for ODS bodies to collect from users in section 3(c) above and Appendix 1) aims to support this.

d. Common format for ODS body reporting about complaints

As they resolve disputes, ODS bodies and platforms are party to data which could lead to insights about issues faced by users of online platforms. When aggregated, and substantiated by verifiable evidence, this data could provide more information about content moderation processes and potential improvements.

However, for this to be the case, the collection, management and analysis of the relevant data must be robust and consistent across the ecosystem. It should also be undertaken in line with

8 Parallel proceedings can create confusing outcomes for users and unnecessarily consume resources from ODS bodies and platforms.

9 Aligns with DSA Article 20. Can increase the likelihood of a platform successfully identifying the relevant content moderation decision record.

10 See related point below at 4 (c) on the use of the internal appeal mechanism.

the requirement for good faith engagement between ODS bodies and online platforms. This means that ODS bodies should ensure that their reporting remains impartial and independent of both platforms and users. Common terminology is a critical foundation to avoid any misleading reports. This might include the following elements:

- **Scope:** The terminology used to describe the different types of content moderation decisions, eligibility definitions and criteria, and ODS outcomes should be aligned in order to achieve accurate reporting.
- **Procedural steps and outcomes:** a common framework should be established for identifying, labelling, communicating and reporting the outcome of each step of the ODS procedure, including: eligibility assessments, initial dispute notification, disputes between ODS bodies and platforms, procedural disqualification,¹¹ reversal of an original decision,¹² substantive assessments, categorisation as a complex dispute, non-binding decision, and resolution.

11 It is important that decisions that are not based on substantive assessment of the facts are identified with sufficient granularity, as they may be less relevant to possible systemic risk identification. Accurate labelling and reasoning in these cases is especially important as such situations are not normally the result of any failure by online platforms to engage.

12 When online platforms receive valid complaints from ODS bodies they generally review the contested decisions. If this reveals an error then they might reverse their original decision and notify the ODS body before their review has progressed. Such immediate remedies deliver quicker redress and is just one of the ways in which platforms may seek to engage in good faith to resolve a dispute. This is important context for ODS reports that describe low implementation rates of non-binding recommendations, which may overlook this practice in which online platforms resolve cases through early cooperation and error correction. It is also an example of platforms proactively seeking to improve their moderation decision-making.

4. Key Challenges and Areas for the Development of Regulatory Guidance

Priorities for engagement between regulators, platforms and other stakeholders

This section identifies areas which require regulatory engagement and collaboration to foster effective, predictable and consistent ODS market conditions.

a. The certification process

Inconsistency and obscurity in the approach to the certification of ODS bodies is a foundational issue from which many of the issues identified in this paper arise. The criteria for certification are set out in DSA Article 21, but the certification process is handled entirely at national level by each Member State's DSC. The evaluation of applications is not harmonised and is therefore conducted according to variable and opaque criteria set by individual DSCs. The variety of accepted thresholds and operational requirements for independence, expertise, remuneration, accessibility and efficiency, is evident in the practices of different certified ODS bodies.

As detailed above in section 2(a), the fragmented certification process creates uncertainty, unpredictability and ODS non-binding recommendations of variable quality. Users, online platforms and civil society need greater clarity as to how DSCs assure that certified bodies maintain procedural and operational standards.

Regulators should therefore take steps to harmonise the certification processes and provide greater transparency into their decision-making. To ensure the quality of ODS bodies, the certification process could include consultation with the European Commission about the suitability of applicant organisations. Platforms and users also have vital perspectives on how ODS bodies are working in practice, so they should be consulted, especially when it comes to the renewal or withdrawal of certification. Reasonable notice should also be given prior to the certification of an ODS body to enable proactive and sustainable cooperation with relevant online platforms.

b. Visibility, clarity and accessibility of ODS body certification details

Platforms and users need to be able to easily and quickly verify an ODS body's certification, including details of its expertise and the scope of its certification as approved by the responsible DSC. The high-level criteria in DSA Article 21 are insufficient for users, online platforms and others to validate the capacity of an ODS body to handle a dispute relating to a particular subject

area, media or platform type, language, or enforcement action. This leaves users and online platforms confused by the different approaches of ODS bodies and their certifying DSCs, leading to disputes about admissibility or procedure, and ultimately ineffective redress.

To reduce ambiguity, DSCs should ensure that the scope of certifications is much clearer, such that online platforms and users can understand how the ODS body's competence translates to real content moderation disputes. Greater visibility should also be provided on the issue of ODS's compliance with efficient and cost-effectiveness certified criteria. When it comes to DSCs reviewing ODS body certifications, this should be done on an informed basis with input from online platforms and other stakeholders.

c. Fee methodologies and assessments

There is insufficient transparency around ODS fee structures, including how different fees are calculated and applied according to the nature and complexity of cases. Annual reporting by ODS bodies should clearly and robustly demonstrate that fees charged are reasonable and do not exceed the costs incurred. To support this, regulators should clearly set out a harmonised approach on the interpretation of "cost-effective" under Article 21(3)(e).

The lack of transparency undermines trust in the process, particularly where fees may seem excessively high, inconsistent, or unprincipled for the purpose of enabling swift, efficient and cost effective dispute resolution. As noted, fees must be reasonable and should not exceed the costs incurred by the body, yet platforms are being hindered in their ability to form an independent assessment of the reasonableness, or unreasonableness, of fees.

Published information about fees and fee structures should enable platforms to understand, predict, and where necessary challenge costs invoiced by ODS bodies.

d. Oversight and governance over ODS body certifications

ODS bodies will naturally evolve, as will the types of cases they handle. The market would benefit from a formal and predictable process for changes and/or revisions to the certified scope of an ODS body. Where bodies wish to change the terms of their certification, including their rules of procedure, fee structure or case management approach, they should be able to request a formal update to their certification from the regulator following demonstration of the certification criteria under Article 21(3) and give adequate notice to platforms of the change. The regulators are tasked with monitoring an ODS body's ongoing compliance with the conditions set out in Article 21. As key stakeholders, platforms should be notified or consulted on such requests and reviews, and be allowed to make submissions on any proposed changes.

e. Information sharing: confidentiality, data protection and security

An effective ODS ecosystem requires best practices that support safe, compliant platform engagement and well-informed ODS decision-making. The clear and consistent exchange of information between platforms and ODS bodies is currently hampered by regulatory complexity and competing obligations, particularly around data protection.

Platforms must balance the need to provide sufficient information to ODS bodies for them to be able to make quality and well-reasoned decisions, with their data protection and privacy compliance obligations, safety obligations and the integrity of their internal policies. Greater regulatory input is required to align expectations and increase legal certainty in the following areas:

- **Scope:** as a default, the scope of information to be shared by platform should be limited to the content that is the direct source of the complaint. The user should be the primary source for any “related content”: broader contextual information surrounding a dispute, such as comment threads. Online platforms should provide additional material only as they deem necessary to support their position. In line with the DSA and broader European law obligations, the principle of proportionality dictates that online platforms should only provide information that is necessary and reasonably required for the dispute, which in this case is the primary information. Interpreting good faith engagement as a broad, default requirement to produce any related content at the start of the ODS process contradicts this principle of proportionality. If such related information was not relevant to the platform's internal decision, then it is inherently not relevant in a subsequent ODS review of that decision.
- **Sharing content:** Clarity about expectations, evidential burdens and limitations, including:
 - provision by ODS bodies of evidence of adequate data protection and security; specification of data retention periods;
 - approaches in cases where case data cannot be shared, whether due technical reasons or the particular matters depicted;
 - protocol for content details to be shared privately with ODS bodies and not passed to the complainant.
- **Confidentiality:** Confirmation that platforms can indicate when certain complaints raise integrity issues, leading to a claim of confidentiality. For example, in relation to certain information provided to the body in good faith to assist the decision making process but which should not be shared, disclosed, or otherwise made public. ODS bodies should respect such claims and provide assurance that the relevant information will be handled appropriately and protected from disclosure.



- **Automation:** Best practice approaches to automating data sharing or otherwise reducing the operational cost of locating and providing information about the disputed content moderation decision, including how this is reflected in ODS fee structures.

5. Conclusion / Next Steps

This paper builds on live discussions between ODS bodies, regulators and platforms about the ODS ecosystem. It is based on more than a year of collective learning since the first certified ODS bodies started operations.

DTSP is committed to continued, open collaboration with ODS bodies and regulators, but also with civil society organizations, subject-matter experts, and, crucially, the users. A truly effective and trusted ODS ecosystem will require the active participation and input of all stakeholders. Civil society, including experts in online content moderation, human rights, and freedom of expression, should play a key role in shaping best practices, and we welcome their contributions.

Looking ahead, we are optimistic that our ideas and proposals, grounded in transparency and shared responsibility, will accelerate the development of harmonized best practices and a better functioning ODS ecosystem.

DTSP envisages ongoing engagement between ODS bodies and platforms with the objective of finding alignment on the emerging best practices identified in section 3. We hope that the outcome of these discussions, together with strong collaboration with regulators to resolve the issues described in section 4, will deliver improved governance, clearer standards, and an overall more effective ODS redress mechanism that helps strengthen trust in our shared digital space.

APPENDIX 1 – Information that ODS bodies should collect from users

Data type	Information to be requested from complainant	Applicable complaint Type(s)	Requirement
Complainant info	Username/alias ("@bartsimpson") OR URL to user's profile	Leave Up, Content Removal, Demonetisation	Mandatory
Complainant info	Username/alias ("@bartsimpson")	Account Removal	Mandatory
Complainant info	Display Name ("Bart Simpson")	Account Removal	Mandatory
Complainant info	User email address	Content Removal, Feature Limits, Demonetisation	Optional
Complainant info	User email address	Account Removal	Mandatory
Complainant info	When non account holder reporter, the email address used to submit the report	Leave Up	Mandatory
Complainant info	Country of user	Leave Up, Content Removal, Account, Demonetization	Mandatory
Uploader info	Username of uploader / URL to profile	Leave Up	Mandatory
Details of case	URL to reported content	Leave Up	Mandatory
Details of case	Platform name	Leave Up, Content Removal, Account, Demonetisation, Feature Limit	Mandatory
Details of case	Platform reference ID	Leave Up, Content Removal, Account, Demonetisation, Feature Limit	Optional
Details of case	Copy of Article 20 appeal outcome	Leave Up, Content Removal, Account, Demonetisation, Feature Limit	Optional
Details of case	ODS body case ID	Leave Up, Content Removal, Account, Demonetisation, Feature Limit	Mandatory
Details of case	Date of moderation action (or date of non-moderation for Leave Up)	Leave Up, Content Removal, Account, Demonetisation, Feature Limit	Mandatory
Details of case	Date content was uploaded	Leave Up, Content Removal, Account, Demonetisation, Feature Limit	Optional
Details of case	Date and time complaint received by ODS body	Leave Up, Content Removal, Account, Demonetisation, Feature Limit	Mandatory



Data type	Information to be requested from complainant	Applicable complaint Type(s)	Requirement
Details of case	Content type	Leave Up, Content Removal	Optional
Details of case	Copy of notification / statement of reasons	Leave Up	Mandatory
Details of case	Copy of notification / statement of reasons	Content Removal, Account, Demonetisation, Feature Limit	Mandatory
Details of case	Basis for moderation action (relevant policy or type of illegality)	Leave Up, Content Removal, Account, Demonetisation, Feature Limit	Mandatory
Details of case	Language of content	Leave Up, Content Removal, Account, Demonetisation, Feature Limit	Optional
Additional Information	Additional context from user (inc. reasoning for dispute)	Leave Up, Content Removal, Account, Demonetisation, Feature Limit	Mandatory
Additional Information	Law firm details + verification of authorization	Leave Up, Content Removal, Account, Demonetisation, Feature Limit	Mandatory
Additional Information	Art.86 mandated org details + confirmation of mandate	Leave Up, Content Removal, Account, Demonetisation, Feature Limit	Optional
Additional Information	Trusted flagger name, contact, website details	Leave Up, Content Removal, Account, Demonetisation, Feature Limit	Optional
Additional Information	Media service provider name + contact information	Leave Up, Content Removal, Account, Demonetisation, Feature Limit	Optional

APPENDIX 2 – Civil Society Perspectives

In January 2026, DTSP discussed its initial position paper with interested civil society organisations and academic experts from across Europe and around the world. Some key themes emerged from these discussions, which resonate with perspectives of both the DTSP Working Group and the ODS Network.

Consistent expertise, competence and independence

Conversations with civil society organisations and academic experts highlighted the need for expertise in freedom of expression to exist at the decision-making level in ODS bodies, not just in advisory roles. Experts warn that an absence of robust freedom of expression standards could lead companies to adopt unduly restrictive content moderation standards. While ODS bodies must be independent of online platforms, experts highlighted that ODS bodies must also maintain independence from public authorities. This is particularly relevant in cases where ODS bodies receive state funding or other state support services.

Abuse safeguards and scope

Civil society experts highlighted that treating uploaders (defending their speech) and reporters (seeking to restrict others' speech) identically, could suppress lawful expression. They also advocated the separation of account-level and content-level disputes, on the grounds that they raise different issues and may require different treatment. To prevent abuse of the system by professional complainants or coordinated actors, it was suggested that procedural safeguards such as charging deposits to certain complainants could be explored.

Financial sustainability and user accessibility

The financial design of the ODS system is a major friction point, with platforms demanding auditable, proportionate fees and ODS bodies focusing on financial stability and the reimbursement of reasonable user expenses. Public funding may be necessary, but experts insisted that this would need to be carefully structured to ensure the independence of the ODS bodies.

Secure information exchange and transparency reporting

Civil society experts were enthusiastic about the potential for standardised data exchange and common reporting formats to facilitate the aggregation of transparency reports and identification of insights into issues across the ecosystem. The potential was discussed for standardising the evidentiary package for cases. One perceived gap in the current framework relates to the visibility of how non-binding ODS decisions are implemented, with civil society experts observing that the information currently available in this area remains limited.