

DIGITAL SERVICES ACT

Social media, search engines, and online marketplaces offer many benefits to users. In the EU, these online platforms are regulated through the Digital Services Act to limit real-life risks, such as online fraud, the sale of unsafe products, and risks to the safety, security and privacy of minors. A key focus of the Digital Services Act is on transparency and accountability of the policies and decisions of online platforms, and on the empowerment of users to be informed about and potentially appeal content moderation decisions. Protection of free speech online is guaranteed through concrete safeguards on the speech of users online against arbitrary or untransparent content moderation decisions, in accordance also with the principles of the EU Charter of Fundamental Rights.

The core elements of the EU Digital Services Act (DSA)

- **The DSA empowers users online.** If online platforms decide to moderate a piece of content or an account, by removing content, down-ranking it, or through shadow-banning, users have a right to know why and how to appeal. If disputes with online platforms on moderation decisions persist, users also have the right to external appeals through [out-of-court dispute settlement bodies](#) – a faster and more cost-effective way to settle disputes than court proceedings.

Do users in the EU appeal the content moderation decisions of online platforms?

Internal platform data delivered under the DSA shows that users actively use this right and that online platforms regularly overturn their own decisions. For example, thanks to the new appeal mechanism that online platforms have to provide under the DSA, EU users challenged more than 16 million content removal decisions by Meta and TikTok in the second half of 2024. Thanks to the DSA almost 35% of the removals were overturned and content was restored.

- **The DSA mandates new flagging mechanisms for illegal content or goods online.** With the DSA, users can report illegal content, goods or services via an easy-to-use mechanism directly

on the online platforms. Online platforms retain the ultimate decision on whether or not to take action on the content, but they must now inform users of their content moderation decision and include the available ways to appeal to it.

- **The DSA does not define what content is illegal.** What is illegal in the EU is defined in national law or, exceptionally, EU law, not in the DSA. The DSA does not regulate content. It mandates online platforms to have processes and procedures in place to deal with notices of illegal content. Very large online platforms, that is those with more than 45 million average monthly users in the EU, must assess the societal risks to which their services give rise, such as risks to the well-being of minors or risks to public security – with in-built safeguards for free expression.

How much online content is actually moderated, and by whom?

Thanks to the transparency reporting obligations under the DSA, it is possible to see that:

- The **vast majority** of online activity is **not moderated at all**.
- Of the content that is moderated (between 17 million and 40+ million content moderation decisions per day), more than **99% is done proactively by online platforms** based on their own Terms & Conditions.
- **Less than 1% of moderation actions result from users reporting content as illegal** under European laws. These actions include online platforms choosing to keep the content up and rejecting the user notice.
- **Less than 0.00015% of moderation actions by very large online platforms and very large search engines are based on orders (less than 3 000 orders) from regulatory authorities** – not governments – to act against illegal content. 10 very large online platforms did not receive any orders at all. In case providers moderate content in response to orders, they must inform the user of the moderation decision and allow the user to challenge it.

- **The DSA contains world-leading protections for freedom of expression.** The DSA bans general monitoring obligations, preventing all online platforms, including smaller ones, from being forced to systematically monitor the online content of our citizens or be held liable for illegal content they are not aware of. At the same time, the DSA imposes clear due diligence obligations on online platforms, and requires the largest platforms and search engines to regularly assess how their operations could affect free speech online, and to protect it while addressing these risks. Over-removal of lawful content could constitute a violation of the DSA. Online platforms retain the right to make final content moderation decisions, provided they comply with the law and their terms and conditions.
- **The DSA protects all users in the EU – with special attention paid to empowering and safeguarding minors.** The DSA obliges all online platforms accessible to minors, regardless of their size, to ensure a high level of privacy, safety and security of minors. Very large online platforms must also assess and effectively mitigate systemic risks related specifically to the protection of minors, such as the impact of their systems on their mental health. Detailed [guidelines to ensure the protection of minors online](#) have recently been published.
- **The DSA allows for unprecedented transparency and scrutiny into the behaviour of platforms.** Under the DSA, online platforms must outline the criteria for their recommender systems in their Terms and Conditions, with very large online platforms providing users with recommender system options that are not based on profiling. The DSA bans ads based on

sensitive data like sexuality, religion, or race, and prohibits targeted advertising to children. The DSA also outlaws deceptive online designs, or dark patterns. Online platforms must publish detailed content moderation data, such as the number of actions taken and their legal basis, as well as appeal outcomes. They must report on risk mitigation efforts, including impacts on free speech, and maintain public advertising databases, enabling comprehensive scrutiny and data access for EU researchers.

- **The DSA boosts innovation – and saves money for companies.** The DSA creates a single legal framework that applies across the EU, so that companies do not have to comply with 27 different legal regimes. This ‘passporting’ right makes it easier for them to scale up across the whole bloc. The due diligence obligations in the DSA are proportionate to the size of the online platform concerned, with exemptions for micro and small enterprises, and specific obligations for [very large online platforms and search engines](#) in view of their reach and potential systemic risks they pose to society. The rules reflect industry ‘best practices’, and can be shaped through Codes of Conduct, which are non-binding voluntary self-regulatory instruments. The DSA therefore establishes a level playing field for all online platforms, which prevents a race to the bottom on user experience.
- **The DSA applies only in the EU.** EU law only applies in the European Union, and the DSA is no exception. Online platforms have both the right and ability to implement content moderation policies tailored to regional laws and cultural contexts. Moreover, in the case of content removal based on orders by authorities, the DSA makes it clear that these orders should generally apply only within the issuing Member State’s jurisdiction.

The right to privacy and to human dignity, the protection of minors, security, democracy and freedom of speech are at the core of our democracies, offline as much as online. The DSA ensures these fundamental rights are respected online, by defining clear rules and responsibilities for the services operating in our digital space.

What did the DSA achieve so far?

The DSA applies to the largest online platforms in the EU since August 2023 and to all other online platforms since February 2024.

Online platforms have since then [implemented key DSA provisions](#) in the EU, such as offering clear, plain-language terms and conditions; providing more content moderation information; allowing to disable the personalised feed on their platforms; and disabling targeted ads addressed to minors.

To verify the compliance of the largest online platforms, defined as very large platforms and very large search engines under the DSA, the Commission has already [opened several investigations](#). In some cases, these have already led to remarkable changes. For example, in 2024, **TikTok** [introduced the Rewards Programme](#), but later [withdrew it](#) after the European Commission launched an investigation into concerns about its potentially addictive design, especially for children. Following [the launch of the investigation](#) against **AliExpress** in February 2024, the platform made [several commitments](#) to improve its safety and comply with the DSA. These include enhancing the transparency of its advertising and recommender systems and improving its mechanism for users to flag illegal content.