



Out-of-court dispute settlement bodies under the Digital Services Act (DSA)

Contesting content moderation decisions

Users can contest content moderation decisions restricting their accounts or sanctioning their content in several ways. This right also applies to reports of illegal content that were rejected by the platform. According to the DSA, users may appeal to the internal complaint-handling system of platforms, which requires platforms to review their decisions.

The DSA also enables users to refer to out-of-court dispute settlement bodies. These bodies are an alternative to judicial proceedings offering a faster and more cost-effective way to settle disputes. Users may select any out-of-court dispute settlement body - that has been EU certified for their type of dispute - and request a review of a platform's content moderation decision. Online platforms are obliged to engage with this body. Lastly, users may always take the matter to their national courts.

How do out-of-court dispute settlement bodies work?

Both users and online platforms have to engage in good faith with the selected out-of-court-dispute settlement body with a view to resolving the dispute. The allocation of the fees depends on the outcome of the procedure. In any case, for the recipients of the service, the dispute settlement will usually be available free of charge or at a nominal fee. Out-of-court dispute settlement bodies do not have the power to impose a binding settlement of the dispute on the parties, but they offer a fair and swift review.

The certification process

Organisations wishing to become an out-of-court dispute settlement body need to submit an application with the [Digital Services Coordinator \(DSC\)](https://digital-strategy.ec.europa.eu/en/policies/dsa-dscs) (<https://digital-strategy.ec.europa.eu/en/policies/dsa-dscs>) of their country of establishment.

The DSCs are responsible for overseeing the DSA implementation in their respective country, including out-of-court dispute settlement bodies. The certification is valid for a maximum of five years and can be renewed. Certified bodies must uphold certain conditions:

- **Impartiality and independence:** The body must be impartial and independent (including financially) of online platforms providers and of the service recipients, including individuals that have submitted a complaint.
- **Expertise:** The body needs to have expertise in one or more particular areas of illegal content or in the application and enforcement of terms and conditions of one or more types of online platform.
- **Remuneration:** The members of the body are remunerated in a way that is independent to the outcome of the procedure.
- **Accessibility:** The out-of-court dispute settlement must be easily accessible, allowing the submission of a complaint and supporting documents online.
- **Efficiency:** The body should be able to settle disputes in a swift, efficient and cost-effective manner and in at least one of the official languages of the EU.
- **Rules of procedure:** The body must operate in accordance with clear and fair rules of procedure that are easily and publicly available and comply with applicable law.

Only EU-based bodies can be certified as out-of-court dispute settlement bodies. This ensures that out-of-court dispute settlement bodies operate within the regulatory framework of the EU, contributing to a harmonised approach in resolving content moderation disputes. The certification is valid across all Member States. However, a certification can be limited to certain areas of expertise (particular types of illegal content or particular types of online platforms) or certain languages in which the body is capable of settling disputes.

Out-of-court dispute settlement bodies provide annual reports to their national DSCs on their work. In turn, each DSC reports once every two years on the functioning of all out-of-court dispute settlement bodies that they certified. These reports

contain information on the number of disputes, their outcomes, the time taken to resolve the disputes, encountered difficulties, best practices and recommendations to improve the functioning.

List of bodies

The Commission publishes and updates – following notification from DSCs - a list certified out-of-court dispute settlement bodies. See the list of approved out-of-court settlement bodies below.

Name	Website	Certifying DSC	Areas of expertise	Languages	Date of certification
ADROIT	https://adroit.legal/ (https://adroit.legal/)	Malta Communications Authority (MT)	Online shopping and online booking platforms; Content sharing and content driven marketing platforms; Crowdfunding and P2P lending; Web3, Defi, NFT and fintech platforms and protocols; Gaming, gambling and betting platforms; B2B, B2C and P2P trading platforms and marketplaces	Dutch, English, French, German, Italian, Maltese, Portuguese and Spanish	10.07.2024
User Rights GmbH	https://user-rights.org/en (https://user-rights.org/en)	Bundesnetzagentur (DE)	Instagram TikTok LinkedIn	German, English	12.08.2024
Online Platform Vitarendező Tanács	https://opvt.hu/opvt (https://opvt.hu/opvt)	Nemzeti Média- és Hírközlési Hatóság (HU)	All types of disputes	Hungarian	29.08.2024
Appeals Centre Europe	https://www.appealscentre.eu/ (https://www.appealscentre.eu/)	Coimisiún na Meán (IE)	Content policy violations on Facebook TikTok YouTube	The content in question can be in any language spoken in the EU. Guidance, forms and decisions are available in: English, French, German, Italian, Spanish, Dutch	26.09.2024

RTR-GmbH, Fachbereich Medien	https://www.rtr.at/beschwerdeportal (https://www.rtr.at/beschwerdeportal)	KommAustria (AT)	Breaches of information obligations, Breaches of data protection and privacy, Unlawful statements, Unwanted behaviour, Online bullying/intimidation, Pornography or sexualised content, Protection of minors, Fraud and/or deception, Incitement to self-harm, Non-restriction of access to the platform/content, violence, offences against intellectual property and other commercial rights Harmful or illegal products and services; Violations of data protection, privacy, and non-consensual sharing of material; Incitement to hatred, violation of human dignity, and other similar crimes; Violation of intellectual property rights and other commercial rights; Interference with elections and disinformation; Online bullying/intimidation; Pornographic or sexualized content; Violations of laws protecting children and minors; Risk to public safety; Scams and/or frauds; Crimes against animals; Acts of violence or criminal activity; Violations related to access to the platform	German	24.10.2024
ADR Center	https://www.adrcenter.it (https://www.adrcenter.it)	AGCOM (IT)		Italian, English	18.12.2024

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