



Open letter to Members of the European Parliament

Shape the DSA so it can empower all users to act against wrongful platform decisions

3 December 2021

Dear Members of the European Parliament Internal Market and Consumer Protection Committee,

Dear rapporteurs and shadow rapporteurs on the Digital Services Act,

With this letter, **59** civil society organisations, think tanks, researchers, experts and service providers defending the public interest and striving to make online platforms more democratic, transparent, and safer, are addressing you concerning the mechanisms against wrongful actions of online platforms included in the Digital Services Act (DSA).

DSA is a critical opportunity to fix the existing asymmetries between users and platforms, giving users real possibilities to act through the notice and action and internal complaint mechanisms, as well as out-of-court dispute settlement. At the moment, users do not have consistent ways to appeal platform decisions. The burden rests on the user to hire a lawyer or seek ad-hoc communication with online platforms, which is often unsuccessful and inconsistent.

The internal complaint handling system (Article 17) should empower users to seek redress against wrongful actions and inactions by the platforms. However, the current iteration of Art.17 opens the internal complaint handling system only to users whose content has been removed, disabled or otherwise restricted. This approach completely disregards the other side of the problem – when platforms do not react to notifications or decide not to remove content that is illegal or violates their terms and conditions. This approach would leave us worse off than we are now: it would reinforce the existing power asymmetries between users and platforms, and greatly limit users' options for redress.

Some platforms currently have channels to receive user complaints, including about wrongful inactions or failures to act. These channels are far from perfect, but the DSA could end up lowering the bar from what currently exists.

Therefore, we are urging you to broaden the application of Art.17 (1), so it covers all cases, including where users want to act when a platform has not removed or disabled access to a piece of content (by including “whether or not” in Art.17 (1)).

Furthermore, limiting the scope of Art.17 has negative consequences for users’ access to out-of-court dispute settlement (Article 18). Since Art.18 makes a direct reference to decisions outlined in Art.17 (1), unless it is changed to also cover cases of platform inaction, many users would lose access to out-of-court dispute settlement.

Thank you for your consideration and for giving users real options to act against wrongful platform decisions.

Yours sincerely,

5Rights Foundation

#aufstehn

#jesuislà

All Out

Anna Nackt

BeLonG To

Betterplace lab

CEJI - A Jewish Contribution to an Inclusive Europe

Check First

Citizen D (Državljan D)

Counter Extremism Project

Danae Tsaouraki, Lawyer & Research Project Manager

Das NETTZ

Defend Democracy

Demos

Digitalt Ansvar

digiQ

Dr. Georgios Terzis, Associate Professor of Political and Global Communication, Vrije Universiteit Brussel

Dr. Symeon Papadopoulos, Multimedia Knowledge and Social Media Analytics Laboratory (MK Lab) of the Centre for Research and Technology Hellas – Information Technologies Institute (CERTH-ITI)

DROG

EU DisinfoLab

Eurochild

European Values

Faith Matters

FairVote

Fondation Hironnelle

Global Disinformation Index (GDI)

Global Forum for Media Development (GFMD)

Global Witness

HateAid

Matej Spišák, Director, Infosecurity.sk

Media Diversity Institute (UK)

Media Diversity Institute Global

Mediawijs, Flemish Knowledge Centre for Digital and Media Literacy

Memo98

Missing Children Europe

NEVER AGAIN

Nordic Digital Rights and Equality Foundation (NORDREF)

OBC Transeuropa (OBCT)

Open Society European Policy Institute (OSEPI)

PantallasAmigas

Peter Tatchell Foundation

Prof. Kalina Bontcheva, Professor of Text Analysis, Department of Computer Science, University of Sheffield

Prof. Stephan Lewandowsky, Chair in Cognitive Psychology, School of Psychological Science, University of Bristol

Prof. Trisha Meyer, Research Director of the Centre for Digitalisation, Democracy and Innovation at the Brussels School of Governance, Vrije Universiteit Brussel, (VUB)

Reporters Without Borders (RSF)

Savoir*Devenir

Stichting London Story

Stiftung Neue Verantwortung (SNV)

Spunout

SumofUs

Tell MAMA

The Coalition for Women in Journalism
The Daphne Caruana Galizia Foundation
The Signals Network
Tracking Exposed
Transparency International EU
Women in Journalism Institute Canada
Zink Open Information Partnership