

Discussion Report

Reporting and Transparency of Out-of-Court Dispute Settlement Bodies under Article 21 DSA

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KEYWORDS

Out-of-Court Dispute Settlement; Article 21 DSA; Reporting; Transparency; User Choice; Accountability; Social Media; Content Moderation.

INTRODUCTION

The [Article 21 Academic Advisory Board](#) (the Board) discusses the most challenging issues arising in the development of out-of-court dispute settlement bodies (ODS bodies) under the Digital Services Act (DSA). Article 21 DSA allows for different models of ODS bodies. The Board explores different models and discusses their up- and -down sides. It provides guidance to ODS bodies and regulators and informs the work of academics and civil society organisations. It helps to develop reasonable solutions where the law and regulators leave ODS bodies discretion as to how they should operate.

This discussion report outlines the topic addressed by the Article 21 Academic Advisory Board at its fourth meeting: **Reporting and Transparency of Out-of-Court Dispute Settlement Bodies under Article 21 DSA**. In preparation of the meeting, the administration of the Board invited stakeholders to provide input on the questions at hand. **Four organisations** submitted written contributions. The key points raised have been integrated into

this report, and each submission is summarised below.

The Board identified **three main areas for consideration: the audience, substance of reporting (including quality indicators and statistical dispute data), and the format and frequency of reporting.**

The Board agreed that transparency and reporting are **crucial for regulators, researchers, users, and civil society organisations**. They emphasised that users must receive accessible, clear, and meaningful information to make informed choices about which dispute resolution body to engage.

The Board stressed the importance of going beyond statistical data to include qualitative case-level information, enabling external observers to assess legitimacy, consistency, and adherence to fundamental rights. Whilst in one submission, concerns were raised about potential privacy risks in publishing individual decisions, **the Board advocated for anonymised case publication as standard practice to ensure accountability and legitimacy**, citing precedents from commercial arbitration and international courts.

The Board recommended a **flexible approach to transparency reporting that balances standardisation with innovation**. Rather than rigid templates, it proposed a baseline of minimum standardised quantitative metrics

while allowing bodies to add tailored disclosures, enabling best practices to develop over time. Recognising that users rarely read full reports, the Board suggested **a tiered strategy**: formal annual reports for compliance, frequent user-friendly updates with digestible statistics and case examples, and restricted comprehensive data access for researchers and civil society.

The Board proposed creating **a common repository** (similar to the EU Commission's DSA Transparency Database) to host all ODS bodies' transparency reports, facilitating cross-institutional comparison and user access. The Advisory Board could then coordinate review, comparison, and potential auditing of these reports.

PROBLEM STATEMENT

This section outlines the problem and topic the Board engaged with in its meeting.

The starting point for the discussion was the idea that Article 21 of the DSA allows for a variety of models to emerge for settling content moderation disputes—a plurality of approaches among ODS bodies is not only acceptable, but potentially beneficial. Different models can emerge, and over time their strengths and weaknesses can be assessed. However, for the best models and practices to take hold—and for the broader ODS landscape to evolve in a positive direction—there must be transparency about how these bodies operate.

This led to the central question: what should transparency involve, and how should ODS bodies report on their work? The DSA already requires some baseline reporting. Under Article 21(4) DSA: "Certified out-of-court dispute settlement bodies shall report to the Digital Services Coordinator that certified them, on an annual basis, on their functioning, specifying at least the number of disputes they received, the information about the outcomes of those

disputes, the average time taken to resolve them, and any shortcomings or difficulties encountered. They shall provide additional information at the request of that Digital Services Coordinator." ODS bodies can go beyond these minimum reporting requirements and reports aimed at regulators, providing more comprehensive reporting targeted at the public, civil society, and researchers.

This raises further questions:

- What additional forms of reporting should ODS bodies engage in?
- How can they better inform users, civil society, and experts who critically engage with their work?

In developing a response to these questions, the Board considered the following points.

A. Identifying the Audience for Reporting and Transparency

The first question the Advisory Board may consider is: Who is the audience for reporting and transparency by ODS bodies?

Reporting serves multiple functions, and different audiences may require different types of information. These audiences may include:

I. Users

Users have the right to choose which ODS body to turn to. To exercise this right meaningfully, they should have access to clear and easily understandable information about the different ODS bodies. This enables users to select the organisation that best aligns with their needs and expectations.

II. Platforms

Platforms may be interested in transparency and reporting by ODS bodies in order to better understand when and how to implement decisions. Reporting may also help platforms

collect insights that allow them to improve their internal policies and moderation practices.

III. Civil Society Organisations and Researchers

Civil society organisations may rely on transparency to hold ODS bodies to high standards. They are also likely to be interested in insights into moderation practices across platforms, including potential systemic issues or biases.

IV. Regulators and lawmakers

Regulators and lawmakers play a crucial role in shaping the frameworks and processes that govern digital platforms and ODS bodies. To make informed decisions, they require access to accurate and comprehensive reporting from ODS bodies.

V. Media

The media serves as a bridge between ODS bodies, platforms, and the public. By accessing transparency reports from ODS bodies, the media can inform the public about content moderation and dispute resolution—fostering debate and raising awareness of the role ODS bodies play in protecting users' rights.

B. Defining the Substance of Reporting and Transparency Efforts

Reporting by ODS bodies could include two sections: the first focusing on quality indicators, increasing transparency around the measures taken by the ODS body to ensure high-quality decision-making; the second covering statistical information related to the processing and outcomes of cases.

I. Quality indicators

ODS bodies may provide information on the measures they take to ensure high-quality decision-making.

1. Expertise, legal hearing and context

ODS bodies should provide information on the expertise of reviewers, including their legal and language expertise.

They should also explain if and how the organization ensures that reviewers have the relevant contextual knowledge to review cases from a particular region and/or in a specific language or context.

ODS bodies should also explain if and how they hear the parties involved, and how the context provided by these parties factors into the review of cases.

2. Reasoning and publication of decisions

ODS bodies should also explain if and how they provide reasoning for their decisions and whether and where they publish anonymised decisions. This allows users to better understand the outcomes of the dispute settlement process and enables civil society organisations, academics, and the general public to critically engage with and discuss these decisions.

3. Normative framework and fundamental rights

ODS bodies should also clearly explain the normative framework they apply to resolve disputes. This may include clarification of whether and when fundamental rights reviews are conducted, and how such reviews are structured and carried out.

4. Technology

ODS bodies should also explain if and how they use technology in the processing of cases, how they aim to optimise both efficiency and quality, and how they ensure that human control is maintained in decision-making.

II. Statistical information on disputes

ODS bodies should report on the disputes that have been processed and share aggregated information about the disputes.

The reporting could include the following data points:

1. Case submissions

- Total number of submissions
- Total and percentage of submissions by platform; type of user (e.g. individual, media organisation, CSO,); language of content; country/region of complainant
- Totals and percentage of admissible/inadmissible submissions
- Main reasons for inadmissibility

2. Outcome of disputes

- Total and percentage of outcomes of disputes (e.g., decision upheld, overturned)
- Types of rules applied in cases (Terms and Conditions/ National criminal codes/ Copyright law/ etc.)
- Specific policy or norm; potentially also aggregate specific harm categories in percentages (e.g., hate speech subcategories, harassment types)
- Divide information by platform/language/types of content moderation measure
- Percentage of original platform decisions that were made by automated systems versus human moderators (if available)
- Percentage of cases that came from profiles that were verified versus unverified
- Total and percentage of cases in which a fundamental rights assessment was conducted and outcome of those assessments

3. Platform Cooperation

- Platform submissions/reasons for refusal to engage
- Average time for platform to provide an answer whether it will implement decisions

- Total and percentage of platforms implementing ODS decisions

4. Processing times

- Average time to resolve cases; further divided by content moderation measure, outcome, relevant set of rules

C. Determining the Format and Frequency of Reporting

User-Friendly Format: Reports should be accessible directly on the ODS body's website, presented in clear and easily understandable language. Use of infographics or dashboards can help make data insights more accessible to the general public.

Aggregated Data for Researchers: Anonymized, aggregated data should be made available in databases, allowing researchers to analyze trends and assess the performance of ODS bodies.

Standardised Format: Reports should be shared in a standardised format agreed amongst ODS bodies, thus enabling third parties to compare data sets.

Biannual Reports: In addition to the annual reports which need to be provided to the DSC according to Article 21 para. 4 of the DSA, ODS bodies should also publish additional transparency reports on a biannual basis.

CONCLUSIONS REACHED BY THE BOARD

This section reflects the discussion and the main considerations emphasised by the Board.

The Board emphasised that transparency reports should be directed to a broad spectrum of stakeholders, not solely to regulators. These include users, civil society organisations, researchers, academic institutions, and market actors, all of whom contribute to promoting accountability and effective oversight. Particular emphasis was placed on users as a key audience,

given their need for accessible and comprehensible information to make informed choices, especially when selecting between different ODS bodies.

The Board noted that, in regard to the substance of transparency reporting, there is a **need to go beyond statistical summaries to include qualitative information, such as illustrative case descriptions**. Publishing a variety of anonymised decisions—ranging from high-profile or complex cases to frequently recurring ones—was viewed as essential for conveying how ODS bodies operate in practice.

Furthermore, the Board encouraged **disclosure of the normative frameworks applied in decisions** (e.g., EU law, domestic law, terms of service), as well as information on whether cases are handled internally or outsourced to third parties.

Transparency around funding sources, especially any financial contributions beyond platform payments, was also highlighted as essential for ensuring institutional integrity. The Board also recommended gradually incorporating, as a long term goal, systemic risk indicators, such as harm categories (e.g., hate speech), to audit platform labelling practices.

The Board additionally recommended including **more detailed reporting on the types of content and policies involved in disputes**. Rather than relying solely on platform-defined harm categories, the Advisory Board could help develop more meaningful classifications aligned with fundamental rights.

To support this, the Board highlighted potential innovative ways to deepen granularity and categorisation in transparency reporting, recommending leveraging open-source tools to **crowdsource case annotation through collaborations with academic institutions, researchers, and platforms**. This approach could facilitate generating granular insights and richer qualitative data without burdening ODS bodies.

However, the Board emphasised that the process must be **gradual, iterative, and sensitive to resource constraints**, starting with compliance and expanding in scope and depth over time.

The Board noted, in relation to format and frequency, that while standardising transparency reports across ODS bodies could enable comparability and foster competition between ODS bodies, **it cautioned against the risks of a “lowest common denominator” approach**. The Board highlighted that prior unsuccessful experiences with harmonising reporting templates in related domains have demonstrated that overly rigid standardisation may hinder transparency’s effectiveness. Instead, the Board recommended establishing a minimum standardised set of quantitative metrics while allowing bodies to provide additional detailed disclosures tailored to their operational realities, and allowing for **high standards to develop over time as best practices emerge**.

The Board also acknowledged that most users are unlikely to read full reports. Therefore, it proposed a tiered transparency strategy: **maintaining annual formal reports for compliance, bi-annual reports to further inform stakeholders whilst also sharing more frequent, user-friendly information that include digestible statistics and real-time updates alongside illustrative cases to improve user engagement and build trust**. The Board also emphasised the importance of providing comprehensive data access for researchers and civil society through restricted access, balancing transparency, privacy, and operational capacity.

The Board further called for **the creation of a common repository**, such as the EU Commission’s [DSA Transparency Database](#), to host all dispute bodies’ transparency reports, enabling cross-institutional comparison and user access. **Leveraging this, the Advisory Board could play a coordinating role in reviewing,**



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comparing, and potentially auditing these reports.

The Board concluded that User Rights could serve as a transparency leader in setting a high benchmark through robust and accessible reports that others might voluntarily follow. This approach would preserve innovation while nudging the ecosystem towards better practices.

SUBMISSIONS RECEIVED BY THE BOARD

The administration of the Article 21 Academic Advisory Board invited stakeholders to provide input on the questions at hand, as well as to raise any additional points they believe should be considered in relation to the reporting and transparency of ODS bodies or are otherwise relevant to the Board's discussions. Four organisations submitted written contributions. The main points raised have been integrated into this brief, and each submission is summarised below for the Board's consideration.

[The Centre for Democracy and Technology Europe \(CDT\)](#) has submitted a set of recommendations aimed at strengthening the substance and granularity of transparency reporting by ODS bodies. In addition to reporting on the percentage of platforms that implement ODS decisions, CDT suggests including more detailed data on the time between the issuance of a decision and its implementation—highlighting also cases where implementation does not occur at all.

CDT proposes that the metric “average time to resolve cases” be broken down further by category. These categories could refer to the type of original content moderation measure (e.g., removal, demotion, leave-up), the outcome of the dispute (e.g., upheld or overturned), and/or the reason for the complaint.

To deepen insight into the nature of disputes, CDT recommends including a harm-type taxonomy in aggregated form, moving beyond basic policy categories to capture specific forms of harm such as hate speech subcategories or types of harassment.

Where data is available, CDT also suggests reporting on the share of original platform decisions made by automated systems versus human moderators, the proportion of referred profiles that were verified versus unverified, and

any indicators that could reveal regional disparities in both platform and ODS decisions.

Furthermore, CDT recommends that ODS bodies consider setting a target frequency for the publication of decisions and points to examples such as FSM's NetzdG decision database as a model for publishing decisions in a privacy-respecting manner.

[The Gesellschaft für Freiheitsrechte \(GFF\)](#) has submitted that transparency by ODS bodies should go beyond regulatory compliance and serve as a foundation for independent oversight, public debate, and comparative evaluation. To achieve this, GFF emphasises the need for structured and granular data. ODS decisions should be categorised across key dimensions such as platform, moderation measure, complaint type, and outcome, with greater specificity than the broad categories typically used by platforms. For instance, instead of general labels like “hate speech,” subcategories should be used to reflect the specific nature and context of the content—ideally developed in collaboration with civil society and academia.

This granularity should extend to information on which categories the ODS ruled in favour of or against the platform, the implementation status of decisions, and the recurrence of specific issues. ODS bodies should also proactively flag potential systemic risks, such as over- or undermoderation of certain content types, high volumes of complaints from specific groups, or disparities across language, region, or policy domain.

GFF also calls for the publication of machine-readable, open datasets—comparable to platform ad libraries or DSA databases—to enable reuse by researchers, journalists, and civil society actors. Anonymised but detailed case summaries should be publicly available, allowing for scrutiny of reasoning, platform behaviour, and the application of relevant norms.

GFF stresses the importance of documenting deficiencies in platform “statements of reasons” under Article 17 DSA, including which elements were missing or inadequate, and whether these shortcomings influenced the case outcome.

Further recommendations include voluntary external peer review or auditing, provision of open data interfaces (APIs) for technical access, co-design of reporting formats with civil society actors, and clarity around fundamental rights assessments—both when conducted and when deemed unnecessary, including the frameworks applied.

[ADR Center](#) has submitted that transparency reporting should be tailored to the specific needs of different stakeholder groups. They identify four main audiences: users and their representatives, who require accessible information on success rates, duration, costs, guarantees of independence, and implementation levels; platforms, which need clear and detailed guidance on how to meet their legal obligations; service providers, who would benefit from benchmarking data such as caseloads per reviewer, training hours, appeal overturn rates, and diversity metrics; and regulators, academics, and civil society monitors, who rely on granular, machine-readable data to detect systemic risks and inform public policy.

To meet these differentiated needs, ADR Center proposes a layered reporting model. This would include an annual core report for Digital Services Coordinators with key caseload figures and a short narrative on resources and independence safeguards; a quarterly public dashboard presenting key metrics in accessible formats; user-friendly statistical summaries published by ODS bodies; and a continuously updated anonymised micro-data repository for researchers, including indicators such as rights impact, use of algorithmic tools, and appeal outcomes.

In addition, ADR Center proposes publishing whether decisions were upheld, modified, or overturned on appeal; classifying cases by the fundamental right primarily affected; and aggregating data on reviewer gender and language representation.

To ensure the credibility of transparency efforts, they recommend external audits every two years, a 30-day stakeholder comment period for each published decision, and an independent whistle-blower mechanism for reporting systemic risks. All outputs should follow open standards, be WCAG-compliant, and accessible via versioned APIs.

[The Appeal Centre Europe \(ACE\)](#) has submitted that lawmakers and the media should be explicitly recognised as key audience groups for transparency reporting by ODS bodies. With regard to publication practices, ACE notes that it will, for the time being, publish only aggregate data rather than anonymised individual case details. The concern is that, particularly in high-profile cases, it may not be possible to sufficiently anonymise disputes to protect the identity of individuals. In ACE’s view, it should be up to the parties themselves to decide whether a dispute is made public. ACE also proposes that general information about the expertise of case reviewers should be made available. In terms of format, ACE advocates for sharing aggregated data in standardised formats agreed among ODS bodies, to enable comparability and analysis by third parties. On report frequency, ACE encourages the Board to reflect on the appropriate intervals for data reporting, especially considering the varying needs of different audiences. Finally, ACE emphasises that ODS bodies should act as data controllers, rather than as processors for platforms or their vendors, and that all data practices should fully align with the requirements of the GDPR.



CONTACT

You can find all relevant information and news on the Board's website:
<https://user-rights.org/de/advisory-board>.

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