

Decision

- Case ID: [REDACTED] -

In the out-of-court dispute settlement process between

[REDACTED]

- Complainant -

Representative under Art. 86 DSA: [REDACTED]

-Representative-

and

TikTok

- Online-Plattform -

because of

TikTok's decision not to remove content

the certified out-of-court dispute settlement body User Rights decided through its independent reviewers on **24/07/25**:

User Rights overturns TikTok's decision to leave the content on the platform. The content violates TikTok's Policy on Misinformation.

with the requirements of Art. 86 DSA was confirmed at the time the complaint was filed.

When filing their complaint to User Rights, the complainant was asked to provide relevant context. The complainant stated that the content claimed "climate change is a hoax" and the accompanying video suggested that climate change was caused by the sun. The complainant referred to TikTok's misinformation policy, which prohibits climate change misinformation that contradicts the well-established scientific consensus, including denying the existence of climate change or misrepresenting the factors contributing to it. The complainant also provided links to scientific sources from NASA and [REDACTED] which refuted the claim that the sun is responsible for global warming.

On April 15, 2025, User Rights informed TikTok about the complaint to User Rights and gave it the opportunity to provide a submission. User Rights invited TikTok to provide additional information justifying its contested content moderation decision. The platform stated that the complaint contains content originating from a country outside of the Europe Union. TikTok claimed that such content falls outside the scope of User Right's certification for dispute resolution under Art. 21 DSA.

III. Admissibility

The complaint is admissible.

User Rights is certified to resolve disputes between platforms and complainants regarding moderation of content posted on a social media platform in German or English. TikTok is a social media platform. The relevant content is in English, thus a language for which User Rights is certified. The complainant notified TikTok of content which they believed was incompatible with the platform's policies. TikTok notified the complainant that it would leave the content on the platform. In accordance with Art. 20 para. 1 a) and 21 para. 1 DSA, the decision to leave content on the platform can be appealed to the out-of-court dispute settlement body User Rights.

Contrary to the platform's position, it is irrelevant that the account through which the reported content was disseminated is not based in the European Union. The scope of application of Art. 21 DSA is not limited in such a way that complaints to out-of-court dispute settlement bodies against platform decisions to retain content can only be submitted where the account through which the reported content was disseminated is held by a person residing in the European Union. Such a view finds no support in the wording of the provision. Rather, the decisive factor is not the residence of the person who owns the account through which the reported content was disseminated, but that of the person submitting the complaint (see Art. 2 (1) DSA). In the present case, this is [REDACTED], which is based in France and thus in the European Union.

The complainant may be represented by [REDACTED]. According to Art. 86 (1) DSA recipients of intermediary services have the right to mandate a body, organisation or association to exercise the rights conferred by the DSA on their behalf, provided the body, organisation or association meets all of the following conditions: it operates on a not-for-profit basis; it has been properly constituted in accordance with the law of a Member State; its statutory objectives include a legitimate interest in ensuring that the DSA is complied with.

The compliance with these requirements was confirmed at the time the complaint was filed.

IV. Merits

The complaint is justified.

User Rights overturns TikTok's decision to leave the content on the platform. The content is incompatible with TikTok's terms and conditions. Concretely, the content violates TikTok's Policy on Misinformation. TikTok should therefore remove the reported content from its platform.

1. Scope of review

When platforms decide to leave content on the platform following a notice of a potential violation of platform policies, User Rights examines solely whether the

content actually violates the platform's policies. In such cases, User Rights does not assess whether the content breaches any legal provisions. This applies even if the complainant raises an allegation of a legal violation with User Rights for the first time.

2. Substantive Assessment

The content violates the policies of the online platform. User Rights has determined that the policy applicable for the assessment of the content in this case is the Policy on Misinformation.

User Rights concluded that the content violates this policy.

The policy prohibits climate change misinformation that undermines well-established scientific consensus, such as denying the existence of climate change or the factors that contribute to it.

Misinformation means false or misleading content.

When a complainant reports content due to a suspected violation of the Policy on Misinformation, User Rights does not itself determine whether the content is false or misleading.

User Rights rather performs the following two-tiered assessment:

In a first step, User Rights applies a procedural review of the platform's decision to leave the content on the platform. If the platform's procedure that led to the determination that the content in question does not constitute misinformation meets certain standards, User Rights will uphold the platform's decision. Our procedural review focuses on the following elements:

First, User rights will review the adequacy of the platform's procedure to identify misinformation. Under the DSA, online platforms are expected to use fact-checking systems that comply with recognized standards, such as those of the European Fact-Checking Standards Network (EFCSN) or the International Fact-Checking Network (IFCN). Platforms should inform User Rights about their fact-checking

processes and partnerships. If these processes comply with DSA requirements and were used in the specific case, User Rights will generally consider them adequate.

Secondly, User Rights will assess whether the platform has provided sufficient justification for its decision to remove content based on its misinformation policy. When an online platform decides to leave up content, it must provide a clear statement of reasons—identifying the specific information or sources it relied upon. This enables users to understand the rationale behind the decision.

In cases where the platform's procedure that led to the determination that the content in question does not constitute misinformation does not meet these standards, User Rights will verify whether the information has already been the subject of fact-checking by recognized fact-checking organizations.

In the present case, the platform's procedure that led to the determination that the content in question does not constitute misinformation does not meet the above-mentioned standards. The online platform has not provided information about its fact-checking process and partnerships. Therefore, User Rights could not verify whether these comply with the requirements of the DSA. The online platform also did not sufficiently justify its moderation action. It did not explain which information or sources it relied on for its assessment that the content in question constitutes misinformation.

The information contained in the video contradicts the scientific consensus that human activities are the main contributors to climate change. The content shared in the video claims that climate change hysteria is a hoax and attributes climate change primarily to the sun. This statement undermines the well-established scientific consensus on climate change, which recognizes human activities, particularly the emission of greenhouse gases, as the primary drivers of climate change.

The information that climate change is a complete fabrication and that the role of carbon dioxide in global warming has not been scientifically proven has already been the subject of fact-checking by recognized fact-checking organizations.

Based on the evaluation of these organizations, the statement is inaccurate (cf. Terrence Fraser, Climate crisis is real and stems from human activity, AP News, available at: <https://apnews.com/article/fact-checking-967359390899>). The sun isn't causing climate change (cf. NASA, <https://science.nasa.gov/climate-change/faq/is-the-sun-causing-global-warming/>).

In itself, TikTok's policy on misinformation explicitly prohibits content that undermines well-established scientific consensus, such as denying the existence of climate change or the factors that contribute to it. The policy aims to prevent significant harm to individuals or society by ensuring that misinformation, which could lead to societal harm or undermine fundamental social processes, is not spread on the platform. The policy also highlights the importance of relying on independent fact-checking partners and guidance from public health authorities to assess the accuracy of content.

In light of all of this, User Rights aligns itself with this assessment and concludes that the video violates TikTok's misinformation policy because it includes statements that undermine the well-established scientific consensus on climate change, suggesting that the hysteria over climate change is a complete fabrication and questioning the role of carbon dioxide in global warming.

V. Result

User Rights overturns TikTok's decision to leave the content on the platform. The content violates TikTok's Policy on Misinformation.

Note: The decisions of out-of-court dispute settlement bodies are not binding for platforms according to Art. 21 para. 2, third sentence of the DSA. However, as part of their duty to cooperate in good faith pursuant to Art. 21 para 2, first sentence of the DSA, platforms must assess whether there are reasons against implementing the decision and must inform the dispute resolution bodies about the implementation of the decision.