

Social media bans and the Digital Services Act: A critical analysis of Statement of Reasons and Online Dispute Resolution

by A.R. Lodder and J. Zeleznikow *

Abstract: The Digital Services Act introduces specific rules regarding social media bans in the context of content moderation, focusing on both what is known as the Statement of Reasons and user redress mechanisms. The Statement of Reasons should provide

an elaborated explanation for platform decisions regarding content moderation. In this paper, we critically analyse to what extent the Digital Services Act (DSA) provides users with the necessary tools to effectively challenge a ban.

Keywords: social media bans, negotiation, Online Dispute Resolution

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A. Introduction

- 1 Social media platforms such as Facebook, Twitter, and TikTok serve as essential communication channels for individuals and businesses. Consequently, being banned from these platforms can have significant repercussions, including damage to reputation, lost friendships, and financial loss. In the fall of 2021 at a conference in Porto, Portugal, Lodder & Zeleznikow explored how Online Dispute Resolution (ODR) might be used to address social media bans.¹ Our proposal focused firstly on requiring platforms to provide a reason when banning users from their services. At the time, we observed that users were

often excluded from social media platforms without any explanation. This lack of transparency was exemplified by a common clause in many terms of service stating that access could be terminated “for any reason or no reason at all” (Benoliel & Becher 2022). Secondly, we argued that once users know why the platform decided to ban them, they should be provided with an ODR procedure to quickly resolve disputes about social media bans. From a legal and societal point of view, we consider it crucial that users understand the reasons behind a temporary or permanent suspension of their accounts. Also, they should be offered means to contest such a ban.

- 2 Since our initial discussion, the Digital Services Act (DSA) was accepted by the European Parliament on 5 July 2022,² and is fully applicable since 17

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1 Arno R Lodder and John Zeleznikow, ‘How Online Dispute Resolution Can Be Used to Negotiate Social Media Bans’ (ODR Conference, Porto, 2021).

2 Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act) [2022] OJ L277/1 (‘DSA’).

February 2024.³ The DSA introduces specific rules regarding social media bans in the context of content moderation, focusing on both what is known as the Statement of Reasons and user redress mechanisms. The Statement of Reasons should provide an elaborated explanation for platform decisions regarding content moderation. Interestingly, at the time of our presentation in Porto, the proposed DSA (Savin 2021) covered in that Article on Statement of Reasons only measures related to the removal or disabling of access to information. In the final version, however, the scope was expanded to include, among other things, the suspension and termination of user accounts. In this paper, we assess to what extent the Digital Services Act (DSA) provides users with the necessary tools to effectively challenge a social media ban.

- 3 Two decades ago, the concept of being banned from a virtual world was a relatively new phenomenon. At its core, it meant a digital exile, a loss of access to a community and a persona, either for a set period or indefinitely (Castronova 2004). The social media bans examined in this paper are comparable, as they all involve the temporary or permanent loss of access to a user's social media account. Our analysis excludes other restrictions, such as demonetization or ad-account limitations, focusing instead on the (indefinite) suspension of account availability.
- 4 The remainder of the paper is structured as follows. First, we provide context with a discussion of content moderation against the background of freedom of speech, the liability exemptions and ODR. We continue with an analysis of the Statement of Reasons (Article 17 DSA). Subsequently, we discuss the internal complaint-handling system (Article 20 DSA) and Out-of-Court settlement (Article 21 DSA). We conclude with a critical reflection.

B. Freedom of Speech, DSA Liability Exemptions and ODR

- 5 Before discussing Articles 17, 20 and 21 DSA, we sketch some background in the context of social media in three areas that are relevant for this paper: Freedom of Speech, the DSA liability exemptions, and Online Dispute Resolution. This is not meant as a

thorough overview of any of those topics, but covers the essentials.

I. Freedom of Speech

- 6 Most tech companies, including social media platforms, are US companies, with the notable exception of China's TikTok. This American background obviously shapes the activities of those platforms, deeply rooted in the First Amendment tradition (Wu 2018). An early example, from before the days of social media, is the Yahoo France case, where Yahoo did not want to take down content violating French law, viz. the selling of Nazi paraphernalia. Their rigid approach not to comply with local law changed soon afterwards. In *Who Controls the Internet?* (2006), Goldsmith & Wu noted the total turnaround of Yahoo compared to its earlier insistence on First Amendment protections in the French paraphernalia case, when, some years later, Yahoo acknowledged – unlike before – the importance of adhering to local law, in this case Chinese censorship law.
- 7 These days social media companies often comply with national laws. Also, they moved from being passive carriers of content to active gatekeepers of public discourse. Sometimes they are even considered authorities of their own, or as De Keulenaar *et al.* (2023) call Twitter in the context of the discourse on COVID: accidental authorities. Still, at their core, social media platforms prefer to stay away from content moderation, often hiding behind freedom of speech arguments. Despite calls for US legislation that would “narrowly dictate First Amendment protection for users of social media” (Everett 2018), no such federal framework has yet been enacted.
- 8 Freedom of speech, as defined in the First Amendment to the US Constitution, protects citizens from government censorship. Social media platforms are not governments but privately owned entities. They are not obliged to serve everybody. As businesses, they have the authority to establish their own policies and determine the boundaries of permissible online speech, and allow users and uploads based on that policy.
- 9 Over the past decade, social media platforms have increasingly engaged in content moderation. Events such as Brexit and the election of Donald Trump as US president in 2016 prompted debates on whether social media companies bore responsibility for certain societal developments and what actions they could take to prevent similar occurrences in the future. In response, social media platforms adopted

3 European Commission, ‘The Digital Services Act Package’ (*Shaping Europe's Digital Future*) <<https://digital-strategy.ec.europa.eu/en/policies/digital-services-act-package>> accessed 13 September 2026.

a *Code of Practice on Disinformation*.⁴ The COVID-19 pandemic further intensified content moderation efforts, particularly concerning the removal of so-called disinformation. In 2022 the *Strengthened Code of Practice on Disinformation*⁵ appeared and on 13 February 2025 the Commission and the European Board for Digital Services endorsed the official integration of the voluntary Code of Practice on Disinformation into the framework of the DSA (Eskens 2025).⁶ The balance between free speech and platform moderation remains a widely discussed and complex issue (Riemer & Peter, 2021; Ali *et al.*, 2021).⁷

- 10 In Europe, the EU Charter of Fundamental Rights and the European Convention on Human Rights impose a positive obligation on states to ensure effective enjoyment of free speech rights. In the context of social media, this implies that citizens should not be arbitrarily silenced (Enarsson 2024). However, social media platforms retain the right to moderate content based on their own policies. While the broader implications of free speech on social media are beyond the scope of this paper (Brannon 2019), we focus specifically on the consequences of content moderation, namely, user bans, and explore potential dispute resolution mechanisms to address these challenges. For many people and companies, social media platforms such as Facebook, Twitter, and TikTok are important communication channels (Barroso & Van Brussel Barroso 2023). Being banned from a social media platform can have a major impact, as noted, in terms of reputation, relationships and even financially. Also, it deprives people of a means to express themselves.
- 11 Freedom of speech is fundamentally about the right to express one's opinion, not about the specific platform or location from which that expression takes place. In the DSA freedom of expression is mentioned several times, mostly in the context of risk

assessment (Eder 2024). For instance, under Articles 34 and 35, Very Large Online Platforms (VLOPs) must assess how their moderation practices impact freedom of expression as a “systemic risk.” Other notable mentions are about a safe and trustworthy online environment that allows users to “exercise their fundamental rights (...) in particular the freedom of expression and of information” (Recital 3), notice and action mechanisms (recitals 52 and 53) and on misuse (recital 63). It is also mentioned in the context of taking down of content (recitals 22 and 51) and demonetisation (recital 54), but not in the context of social media bans (suspension of service or account)

- 12 This paper does not focus on content removal. Instead, it examines social media bans, namely resulting in users having temporarily or permanently no access to a social media account. One might argue that this does not infringe on freedom of speech, as users are merely excluded from a particular platform and can theoretically move to another to express their views. However, in practice, there are only a few dominant social media platforms, and most people are active on just those platforms. The significance of having access to these platforms cannot be overlooked.

II. The Digital Services Act, Notice and Action

- 13 The Digital Services Act (DSA), as its full name also indicates, amends Directive 2000/31/EC on e-commerce.⁸ At its core, the DSA aims to create a more responsible digital environment by regulating platform operations (Savin 2021), ultimately striving toward the broader objective of a safer internet (Law 2024). Chapter III of the DSA is on *Due diligence obligations for a transparent and safe online environment*. Sections 2 and 3 of this Chapter are relevant for our paper: especially Article 17 on *Statement of Reasons*, Article 20 on *Internal complaint handling systems* and Article 21 on *Out of Court Dispute Settlement*.
- 14 EU Directive 2000/31/EC on e-commerce regulated ISP liability in Articles 12–14 (Article 15 is on no general obligation to monitor). Whereas the US Digital Millennium Copyright Act (DMCA), which the text of Articles 12–14 was copied almost verbatim from, had a notice-and-take-down procedure, the e-commerce directive did not. Times have been changing. The main idea 25 years ago was to exempt providers from liability to enable the growth of e-commerce. Now, the focus has shifted more to moderation, so active involvement (Van de Kerkhof

4 European Commission, ‘2018 Code of Practice on Disinformation’ (*Shaping Europe’s Digital Future*, 16 June 2022) <<https://digital-strategy.ec.europa.eu/en/library/2018-code-practice-disinformation>> accessed 13 September 2026.

5 European Commission, ‘2022 Strengthened Code of Practice on Disinformation’ (*Shaping Europe’s Digital Future*, 16 June 2022) <<https://digital-strategy.ec.europa.eu/en/library/2022-strengthened-code-practice-disinformation>> accessed 13 September 2026.

6 European Commission, ‘Code of Conduct on Disinformation’ (*Shaping Europe’s Digital Future*) <<https://digital-strategy.ec.europa.eu/en/library/code-conduct-disinformation>> accessed 13 September 2026.

7 Martin Husovec and others, ‘Re: Hearing on “Europe’s Threat to American Speech and Innovation”’ (Letter to Rep Jim Jordan, 3 September 2025) 1 <<https://husovec.eu/wp-content/uploads/2025/09/US-Academic-Letter-DSA-Censorship.pdf>> accessed 16 March 2026.

8 European Commission, ‘Proposal for a Regulation of the European Parliament and of the Council on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC’ COM (2020) 825 final.

2025). Reflecting this change in approach, Article 7 of the Digital Services Act introduces the so-called ‘Good Samaritan’ rule. It always has been problematic that providers who “in good faith and in a diligent manner, carry out voluntary (...) measures aimed at detecting, identifying and removing, or disabling access to, illegal content” lost their exemption from liability. Now intermediaries such as social media platforms no longer do so if they actively moderate content in good faith.

- 15 Another change is that providers have to enact an easy notice and take down system, called a notice and action mechanism (Article 16(1) DSA). The notices only concern illegal content, not content violating the terms of service. In this context the terms unlawful (illegal) and awful (harmful) are often used (Turillazzi *et al.* 2023), a distinction also relevant in the case of misinformation where the content not necessarily is unlawful. This notice and action is only indirectly relevant for social media bans and redress, the focus of this paper. Normally, a series of take downs of information can lead to a temporary or permanent ban. So, the user should be offered the option to object against notices, and fight take down of information based on those notices. Notifications should indicate this: under Article 16(2)(a) what is required is “a sufficiently substantiated explanation of the reasons why the individual or entity alleges the information in question to be illegal content”. This is comparable to the ground and explanation required under Statements of Reason discussed in Section C. The information is helpful to the person who uploaded the information, for it makes clear the reason why the material is considered illegal. The notice is, under Article 16(3), “considered to give rise to actual knowledge or awareness for the purposes of Article 6”. So, after a notice the provider can no longer be exempt from liability if it does not act and the information indeed appears to be illegal.
- 16 Article 16 only refers to the person who notified, not the person whose information is considered illegal. One might expect that the notice and action procedure would also include a notification to the one whose information it concerns, but this is covered in Article 17 on Statement of Reasons to be discussed in Section C. It makes sense not to inform the uploader about void notices. However, under circumstances, e.g. if there are a lot of unsubstantiated notices, it could be interesting for the uploader to be informed.

Providers might do that voluntarily, but the DSA does not require this.

III. Online Dispute Resolution

- 17 Our focus is on one of the most severe consequences of moderation: social media bans. While such bans often relate to alleged disinformation, the question remains: why are users occasionally prohibited from accessing these platforms? A prominent example is the banning of Donald Trump from Twitter and Facebook following the January 6, 2021, attack on the U.S. Capitol. On January 8, 2021, Twitter announced Trump’s permanent ban but did not clarify whether he had any recourse to challenge or appeal the decision.⁹ Although we do not support Trump’s claims regarding the 2020 U.S. presidential election, nor do we dispute the platforms’ decisions to ban him, we argue that transparent justifications and an avenue for redress should be integral to such actions. ODR could serve as a mechanism for contesting bans.
- 18 In the first decade of this century, we considered the possibilities of ODR to be enormous. Over the years the take-up has been somewhat disappointing. Cortes & Lodder (2014) expected the EU ODR platform to create a momentum for ODR. As Netjes & Lodder (2019) indicated, at that time they were still waiting for the EU ODR platform to become a success. Five years later, in December 2024, the EU announced in Regulation 2024/3228¹⁰ the disbandment of the ODR platform due to its limited effectiveness, with operations ceasing as of 20 July 2025.
- 19 Despite the lack of success of the ODR platform, the European Union keeps on pushing the use of ODR in several legislative initiatives. Examples are the PSD2 Directive (Lodder 2021), Article 25 of Directive 2018/1792 (European Electronic Communications Code), and Article 33 of Regulation (EU) 2021/782 on rail passenger rights, etc. We began our work on social media bans and ODR based on the assumption that it would be a domain where ODR could be meaningfully used.
- 20 As Wetzstein and Leitner (2013) noted at the International Conference on e-Society, the combination of social media and ODR presents

⁹ Twitter Inc, ‘Permanent Suspension of @realDonaldTrump’ (Twitter Blog, 8 January 2021) <https://blog.twitter.com/en_us/topics/company/2020/suspension> accessed 13 September 2026.

¹⁰ Regulation (EU) 2024/3228 of the European Parliament and of the Council of 19 December 2024 repealing Regulation (EU) No 524/2013 and amending Regulations (EU) 2017/2394 and (EU) 2018/1724 with regard to the discontinuation of the European Online Dispute Resolution Platform [2024] OJ L, 2024/3228, 30.12.2024.

an innovative approach to resolving disputes. Similarly, Katsh and Rabinovich-Einy (2017) start their chapter on ‘The Challenge of Social and Anti-Social Media’ with a fictional example of a user being banned for using her everyday name on Facebook that is different from her official name. However, their chapter focuses on disputes between users. In contrast, our paper shifts attention to conflicts between users and platforms, in the context of bans and account removals.

C. Social Media Bans and Article 17 on Statement of Reasons

- 21 Article 17 is about the Statement of Reasons for the eventual take-down of an account. The drafted text of the Article appears somewhat unbalanced. In Article 15 of the Proposal of the DSA the Statement of Reasons only concerned the taking down of content. The Statement of Reasons in what has now become Article 17 of the DSA deals also with restrictions concerning demonetisation as well as the suspension or termination of either the service or the account. So, now the user should be informed in the Statement of Reasons about either removal of content and/or restrictions regarding account, service or monetization. This extension of the possible restrictions imposed on the user seems not fully reflected in the text of Article 17 (Husovec 2024).

I. When to Be Informed and About What? (Sub 1-2)

- 22 The initial Article 15 on statements of reason solely mentioned “remove or disable access to specific items of information provided by the recipients of the service”. In Article 17(1)(a) this restriction is formulated as “any restrictions of the visibility of specific items of information provided by the recipient of the service, including removal of content, disabling access to content, or demoting content”. Husovec (2024) warns “that applying Article 17(1)(a) too broadly can seriously strain platform development and design, while using it too restrictively can undermine the goal of the legislature—to ensure the explainability of decisions”. It remains to be seen how the courts will strike this delicate balance in practice. What is new is the demonetization in Article 17(1)(b): “suspension, termination or other restriction of monetary payments”. An example of such a measure is mentioned in recital 55 “The monetization via advertising revenue (...) can be restricted”. Then

there are two restrictions relevant for social media bans:

suspension or termination of the provision of

1(c) the service in whole or in part,

1(d) the recipient of the service’s account.

- 23 The recitals do not discuss the termination or suspension of accounts, but recital 64 does address the suspension of the service. The provider should send a prior warning before deciding on the suspension. That warning should include the reasons for the possible suspension and the means of redress. The actual suspension should be stated in a statement of reason. There is no similar consideration in the recitals about the account. A social media ban, as we discuss it, is related both to termination or suspension of account (prior warning is not discussed in the recitals) and the suspension or termination of the service. As discussed below, the warning is mentioned in Article 23 about suspension of the provision of the services in case a user frequently provides manifestly illegal content.
- 24 In case the provider decides to impose a restriction, the recipient should be informed. Ideally, this notification is given before the restriction is imposed. Hence, one would expect that the user is informed immediately after the provider has decided on a restriction. Article 17(2) specifies “at the latest from the date that the restriction is imposed, regardless of why or how it was imposed”. It is likely that the decision and execution of the restriction will coincide, but whether it does may depend on the severity of the violation. For instance, if the nature of the content allows, the uploader should have a chance to object before the information is taken down. In practice, however, the term ‘at the latest’ most likely refers to the actual moment of communication, implying that the user is only able to respond once the content has already been removed. In the DSA proposal, it was indicated that the user should be informed ‘at the latest at the time of the removal or disabling of access’, because the restrictions on monetization, account and service were not included.
- 25 It seems that the final text of Article 17(2) has not been adequately adapted in order to take into account the three new restrictions. Hence, one would expect that the timing of those new restrictions is different from the mere taking down of content. Notably, social media bans and demonetization are generally imposed only following a sequence of prior events or violations. One would expect prior warnings. Article 23(1) provides details about the suspension of service provision in cases where users “frequently provide manifestly illegal content”.

In Article 23 it is indicated that the suspension of the service takes place “after having issued a prior warning”. This sequence of communications is not accounted for in Article 17. One could argue that the Statement of Reasons in case of a social media ban occurs after the warnings indicated in Article 23. Besides the fact that these warnings are not part of the actual Statement of Reasons cf. Article 17, it should also be noted that Article 23 does not concern violations of terms of service, but only cases in which content is considered illegal. Moreover, Article 23 addresses only suspension of service provision (sub c), and not termination of services (sub c), suspension/termination of account (sub d) or demonetisation (sub b). So, it covers only one part of the three new restrictions. In sum, this part of Article 17 is ill-drafted.

II. Clear and Specific Statement (Sub 3(a))

- 26 Article 17 requires providers to give a clear and specific Statement of Reasons for their decision. This means the user must be properly informed, rather than only receiving a vague reference to the terms, a practice that is all too common. As Rocha (2026) observes, the Statement of Reasons resembles, in important respects, requirements imposed on public authorities under principles of the rule of law and due process. However, this analogy should not be overstated. While Article 17 aims to enhance transparency and accountability, the quality and clarity of the reasons provided remain crucial. Where statements of reasons are overly generic or insufficiently precise, they may fail to meaningfully inform users and thereby undermine their effectiveness. An interesting suggestion for improvement is described by Aspromonte *et al.* (2024), who suggest using LLMs to link Statement of Reasons to specific clauses in the Terms of Service. However, given the abstract nature of the terms there could still be many situations in which this explanation does not help that much.
- 27 Article 17(3) sub a-f describes what should be included in the Statement of Reasons. As there are four restrictions mentioned in Article 17(1), one would expect these same four to be addressed. The phrasing of the Article, however, echoes the original language of the DSA proposal, hence its sole restriction concerning the removal of content.
- 28 Sub (3)(a) mentions to some extent all four restrictions. It clearly covers visibility (Article 17(1)(a)) and monetary repercussions (Article 17(1)(b)). The other two are particularly relevant in the context of social media bans, hence restrictions regarding termination/suspension of the service or the account. There is no specific reference to taking such action in Article 17(3)(a), but the phrase that refers to these other two restrictions of Article 17(1) reads “or imposes other measures referred to in paragraph 1 with regard to the information”. This lack of clarity, similar to what occurred with Article 17(1), was likely caused by amendments made to the Article after the proposed DSA. As noted, only in the final text were the possibilities of suspending or terminating either accounts or services explicitly included. Obviously, a decision regarding a social media ban is not primarily linked to the information being taken down, so Article 17(3)(a) does not accurately reflect what should be communicated regarding, as we call them, social media bans. Rather, normally there will be a series of events that led to the decision to suspend an account or service.
- 29 Similarly, in the context of the Transparency database (Article 24(5) DSA), recital 66 refers to “the decisions and statements of reasons of the providers of online platforms when they remove or otherwise restrict availability of and access to information.” While the Transparency Database has failed to fully deliver on its initial promise (Kaushal *et al.* 2024, Leijten 2026), its current form arguably mirrors the ‘Statement of Reasons’ found in the DSA proposal, rather than the final text which includes e.g. social media bans. Although account-level actions do restrict access to information, this is not made explicit.

III. Intermezzo: Visibility

- 30 It is interesting to note that Article 17 contains a logical inconsistency regarding visibility. Article 17(1) refers to any restrictions of the visibility of specific items of information provided by the recipient of the service, *including* removal of content, disabling access to content, or demoting content. So, visibility is the general category, and examples of measures concerning visibility are “removal of content, disabling access to content, or demoting content”. In sub (3)(a) visibility is no longer the general category, but just one of four possible measures: “the removal of, the disabling of access to, the demotion of or the restriction of the visibility of the information”. In the DSA proposal the statements of reasons were restricted in Article 15(1) and 15(2)(a) to just “removal of, or the disabling of access”. So, demotion and visibility have been added.
- 31 Clearly, the DSA designers did not clearly figure out the status of visibility as either the general overarching category or just one of the four categories. The definition of content moderation has yet another ordering. The effects of content moderation are generally described as concerning availability, visibility, and accessibility, so, next to visibility, accessibility and availability are also mentioned. The examples of this trio used in the

definition of content moderation are “demotion, demonetisation, disabling of access to, or removal thereof”. So, here, suddenly demonetisation becomes one of the examples of visibility. While Article 17(1) lists demonetisation as one of four distinct categories of restrictions, separate from visibility, the definition of moderation includes demonetisation merely as an example of visibility. This categorisation of demonetisation seems incorrect. One might argue that demonetisation can have indirect effects on visibility, or even to a lesser extent on availability or accessibility, but as an economic measure it is conceptually distinct from both. Therefore, treating it as a separate category, as is done in Article 17(1), seems more appropriate.

IV. Facts and Circumstances, and Use of Automated Means (Sub 3(b-c))

- 32 Most content is likely removed automatically, and knowing this may help users in contesting such decisions. We do not expect, however, that the quality of justifications provided has improved since the human rights analysis conducted by Dias Oliva (2020). Understanding this systemic limitation may help users seeking to contest these decisions. For the person who is facing a social media ban it does not seem particularly valuable to know whether automated means were used in making the decision (sub c). The facts and circumstances relied on in taking the decision (sub b), could, however, entail crucial information. The social media platform should explain what behavior of the user caused the decision to either suspend (or terminate) the account or service. This information is essential to fight a social media ban. Already in the DSA proposal, the same was stated regarding the removal of information, and it was added that information should be included about whether the decision was taken pursuant to a notice. In the final version of the DSA, “where relevant” has been added, which will obviously never be the case with social media bans, since notices always concern specific information posted.

V. V. The Ground and Explanation (Sub 3(d-e))

- 33 The grounds for the decision and the justification are solely relevant for restrictions on visibility (sub 1(a)). In sub d it is indicated that in case of illegal information the legal grounds should be included, and explanations given why the information is illegal. In sub e it is stated in a similar fashion that any incompatibility of the terms should be specified, with reference to specific terms and why they have been violated. For visibility this is likely

the most relevant information. For the other three restrictions, viz. regarding demonetization, services and accounts, a reference to the terms of service could be informative for the recipient. Compared to the proposal of the DSA, the phrasing of the violation of either the terms of service or the law has not been amended in the DSA.

- 34 The final text cannot be interpreted in a way that includes the other three types of restrictions beyond visibility. It refers, respectively, to ‘why the information is considered to be illegal content on that ground’ and to ‘explanations as to why the information is considered to be incompatible with that ground.’ Both formulations clearly apply only to decisions affecting the visibility or availability of content, and not to other types of restrictions such as demonetization, account suspension, or service termination. This is at least the case for social media bans. One could argue that demonetisation does apply to information, cf. recital 55 “The monetisation via advertising revenue of information provided by the recipient of the service can be restricted by suspending or terminating the monetary payment or revenue associated to that information.” Still, the explanation focuses on why the information is illegal or violates the terms, rather than on the reasons for the application of demonetisation (if addressed at all, it is only indirectly).

VI. Redress (Sub 3(f)) and Article 17(4): Clear, Clearer, ...

- 35 Finally, under Article 17(3)(f), the provider should refer to redress possibilities, such as internal complaint procedures, ADR and litigation. How this information should be communicated is formulated as “clear and user-friendly information on the possibilities for redress available to the recipient of the service in respect of the decision”. The redress options should be communicated for all decisions, including the ones related to suspension of service or account: social media bans.
- 36 The information regarding redress should be not only clear, but also user-friendly. This seems an indication that the information cannot pass unnoticed by the user. Article 17(1) requires “a clear and specific Statement of Reasons”. Apparently, “clear and user-friendly” and “clear and specific” were not considered sufficient to delineate how information regarding redress should be communicated. In Article 17(4) the clear and specific purpose of Article 17(1) is further elaborated upon as follows “clear and easily comprehensible and as precise and specific as reasonably possible under the given circumstances.” One could argue that “given the circumstances” weakens the information requirement. Tech companies could use it as an argument to provide

less information, as Leijten (2026) argues that the open norm in Article 17(4) may dilute the specificity requirement stipulated in the provision's first paragraph. Although companies may attempt to do so, the following sentence seems to establish a clear minimum standard for what the information must contain: "The information shall, in particular, be such as to reasonably allow the recipient of the service concerned to effectively exercise the possibilities for redress". So, the communication has to, in particular according to the last phrase, contain at least information essential to allowing meaningful action against restrictions imposed. For social media bans, this means that users must be clearly informed about why the ban was imposed and what they can do to have it lifted. That being said, one can question why Article 17(4) is needed in the first place.

- 37 Finally, on top of all this abundance of clarity, Article 14 indicates that the terms of service should include the rules of procedure of the internal complaint handling system, to be discussed shortly. This information has to be provided in "clear, plain, intelligible, user-friendly and unambiguous language". So, this adds to clear, easily comprehensible, user-friendly, unambiguous and plain information and implies a high threshold obligation (Quintais, Appelman & Ó Fathaigh 2023).

D. Internal Complaint-Handling System, Article 20

- 38 The reference to redress is undeniably clear, but what does the DSA say about the complaint procedure? Article 20 of the DSA deals with the provision of an internal complaint-handling system. Article 20(1) requires an effective internal complaint-handling system, that enables complaints to "be lodged electronically and free of charge". The decisions are the same as those mentioned in Article 17(1), so it is not especially clear why they are repeated here. And they are worded slightly differently. The visibility is again, unlike in Article 17(1), mentioned as a separate category, not the overarching one: "decisions whether or not to remove or disable access to or restrict visibility of the information."
- 39 The provision on demonetization has been relocated, moving from subparagraph (b) in Article 17(1) to subparagraph (d) in Article 20(1). Also, it has been reworded and now is phrased as 'suspension, termination or other restriction of monetary payments.' What was previously referred to as 'the ability to monetize information' is now simply described as 'monetary payments.' For the purposes of this analysis, subparagraphs (b) and (c) are most relevant, as they address the suspension and termination of, respectively, the service and the user account. The reason for the shift of the demonetization clause from subparagraph (b) in Article 17(1) DSA to subparagraph (d) in Article 20(1) appears to be that, unlike the Article on statements of reasons in the proposed DSA, the Article on complaint handling already explicitly included references to social media bans—under subparagraph (b) for services and subparagraph (c) for accounts. So social media bans were already partially covered in the proposed DSA. Probably, while they thought about social media bans in the context of redress, only later did they realize that the redress only is meaningful if it is clear what exactly the reason has been to impose the sanction, viz. the social media ban.
- 40 The time given to start the procedure is at least six months, starting on the day the recipient is informed (Article 20(2)). This is quite a long period. It is likely most users will start a procedure immediately after the ban or at least shortly afterwards.
- 41 The complaint procedures should be easy to access, according to Article 20(3). Also, the procedure has to be "user-friendly and enable and facilitate the submission of sufficiently precise and adequately substantiated complaints." This provides the opportunity for users of social media to file a complaint in which they can clearly express why they consider the ban to be unjustified.
- 42 Article 20(4) defines some quality standards for the complaint handling procedure. It says that complaints should be handled in a "timely, non-discriminatory, diligent and non-arbitrary manner." In our opinion it is crucial that the procedure is carried out quickly. Due to the important role that social media accounts play for both individuals and businesses, any restriction or suspension should be subject to a resolution process that operates within hours, rather than days.
- 43 The requirement that complaints are handled in a 'timely' manner introduces a degree of flexibility for platforms. While it may be reasonable to allow smaller platforms up to 24 or even 48 hours to respond, 'timely' for large social media platforms should imply a much shorter timeframe, ideally, within a matter of hours. These platforms have the technical and human resources to act quickly, especially given that the majority of bans likely concern fraudulent or scam accounts. Such accounts rarely contest the decision, and if they do, the rejection of their complaint is not that complicated. The same is true for those users who have a serious objection. In case of doubt the platform could even decide to reinstate the account temporarily while further assessing the case. After all, the fact that there is doubt is an indication that the arguments for the ban are not overwhelming.

- 44 After this procedure, in case the complaint of the recipient is accepted because it contains information indicating that the complainant's conduct does not warrant the measure taken, the provider should "reverse its decision (...) without undue delay." It is important that the consequence should take effect immediately, which is basically what 'without undue delay' means.
- 45 Article 20(5) also requires the platform to communicate this decision quickly: "inform complainants without undue delay of their reasoned decision in respect of the information to which the complaint relates and of the possibility of out-of-court dispute settlement provided for in Article 21 and other available possibilities for redress." So, in case the decision is not beneficial to the user, (s)he should be referred to ADR/ODR.
- 46 The DSA also requires human intervention, that is, decisions solely based on automated means are not allowed (Article 20(6)): "are taken under the supervision of appropriately qualified staff, and not solely on the basis of automated means." It is tempting to use automated means such as AI. Human review in case of an appeal, in particular if it is against an automated decision, is a necessary safeguard. For smaller platforms this may be more problematic than for the big ones, although the number of decisions is likely lower as well. What has been said about the social media bans is also likely to be true for the other restrictions, including the taking down of content. Most decisions are clear and not contestable, but the small number that are not likely need serious attention. Humans have the capacity to assess the plausibility of claims against the decisions made by social media platforms.

E. Out of Court Dispute Settlement, Article 21

- 47 Article 21 refers to ADR, or as the EU calls it out-of-court dispute settlement. The bodies providing ADR, or likely and preferably ODR, should be impartial and independent; the procedure should be accessible through electronic means, and the dispute should be settled in a swift, efficient and cost-effective manner. This requirement is redundant in the light of other EU law, such as the ADR Directive. Article 21(9) DSA does refer to this Directive: "This Article is without prejudice to Directive 2013/11/EU and alternative dispute resolution procedures and entities for consumers established under that Directive."
- 48 The explicit reference in Article 21(3)(b) to expertise is: "it has the necessary expertise in relation to the issues arising in one or more particular areas of illegal content, or in relation to the application and enforcement of terms and conditions of one or more

types of online platform[s], allowing the body to contribute effectively to the settlement of a dispute".

- 49 The quote does not reflect all restrictions, but instead mentions areas of illegal content and refers in general to terms and conditions. Social media bans are thus not explicitly referred to. Notably, unlike in the DSA proposal, there is a missing S: online platformS. What is more interesting is that this means that not every ODR provider can handle these claims. The provider needs to be familiar with, and have expertise in, disputes related to the taking down of material and social media bans.
- 50 We decided not to discuss further all nine subparagraphs, but to stick to some general observations. First, we believe the role of an appeal body does not fit ODR well. We believe it is too little, too late, when ODR is used as a procedure that starts once the internal complaint handling procedure fails. In our original thoughts about ODR and social media bans we envisioned the role for ODR to be that which the internal complaint handling procedure currently has. This is also, at its core, how the two most successful ODR applications to date, WIPO domain name arbitration and eBay dispute resolution, operated. We see a role for specialized ODR providers, as expressed very well in the just-mentioned Article 21(3)(b). These ODR providers could provide decisions immediately, or at a very short notice, as we discussed under the internal complaint handling procedures.
- 51 Second, the process described in Article 21 to appoint ODR bodies reminds us vividly of the failed ADR directive and ODR regulation (see above). This proposal in the DSA seems to be history repeating itself. Illustrative of this is that in July 2025, roughly eighteen months after the DSA became applicable, there were only six providers listed.¹¹ And the last addition of a provider was in December 2024.

F. Some Concluding Reflections

- 52 Our discussion of Article 21 on ODR was not very optimistic. Some authors are more optimistic. For instance, at the end of 2024 Holznagel said: "As an overall impression, Art. 21 DSA is seemingly delivering a good start."¹² Around the same time

11 European Commission, 'Out-of-Court Dispute Settlement Bodies under the Digital Services Act (DSA)' (*Shaping Europe's Digital Future*) <<https://digital-strategy.ec.europa.eu/en/policies/dsa-out-court-dispute-settlement>> accessed 13 September 2026.

12 D Holznagel, 'Art 21 DSA Has Come to Life' (*Verfassungsblog*, 5 November 2024) <<https://verfassungsblog.de/art-21-dsa-fundamental-rights-certification/>> accessed 13 September 2026.

Shipp *et al.* claimed “Article 21 DSA’s out-of-court dispute settlement (ODS) solution is one unique tool to achieve these objectives [to improve the safety of EU internet users whilst protecting fundamental rights] with potentially far-reaching implications for users.” The latter authors discuss both opportunities and challenges.¹³ Ortolani (2023) is less optimistic: “some of the new provisions (e.g. concerning out-of-court dispute settlement) may prove too vague to have a tangible impact.” Filatova-Bilous *et al.* (2024) criticize Article 21 DSA in a similar vein by claiming that it sets up the concept of out-of-court dispute settlement, but it does not give enough detail to understand how it would work in practice. Our sentiment largely reflects both the optimistic and pessimistic observations in the literature.

- 53 Obviously, the process should take place online. When being banned from a social media platform it does not make sense to fight the ban other than with online communication tools. First, because speed in communication is needed and that is what online tools provide. To give an extreme example, around 2022 Instagram mentioned in their terms they were required based on the “European Electronic Communications Code (Directive (EU) 2018/1972) (the “EECC”) under the heading ‘Information on handling disputes’ that “If you are unhappy with our messaging services, you can raise a complaint by writing to us at¹⁴:

Facebook	Ireland	Limited
Attn:	SERVICE	COMPLAINTS
(...) Ireland		

- 54 In general, we believe in the value of ODR. After our initial discussion in 2021 on ODR and social media bans, the DSA has provided some laudable building blocks for fighting social media bans. The statements of reason in Article 17, although poorly drafted from the perspective of social media bans, provide valuable information requirements in the context of social media bans. After all, a social media ban can only be contested if it is clear why it was imposed. As a next step we would like to analyse empirical data, as vetted researchers under Article 40(4) DSA. That would give us the opportunity to analyse what exactly is communicated to the user in case of social media bans.

- 55 As a first warm-up exercise, on 4 December 2025 we selected only ‘total termination of provision of service’ for Facebook, Instagram, LinkedIn, TikTok, and X. We only received hits concerning X, just 159 cases. Then, we searched for the same platforms on ‘total termination of account’. Much to our surprise, X had again 159 cases, which seems to suggest they are identical to the ones regarding the service. The number of cases we retrieved from other platforms were overwhelming, a little over 40 million: 40,126,801, distributed as follows:

- Instagram 39,377,603
- TikTok 499,112
- Facebook 249,927
- X 159
- LinkedIn 0

- 56 Without going into detail, we can conclude that for sure both X (159 social media bans in 6 months) and LinkedIn (not a single ban) are underreported. Another conclusion is that the termination or suspension of service was not used (or redundantly, as in the case of X), although users can have the service of Instagram and Facebook via the same Meta account. This seems to suggest the restriction regarding service is redundant. However, when you look at the most obvious platform in this context, YouTube (linked to a Google account), you find a little over 300,000 restrictions related to service and not a single one related to the account.

- 57 While digging a bit deeper into by far the largest group of social media bans by Instagram, we identified that 97% of the bans were detected and decided automatically. That seems quite a high percentage for social media bans. For termination of scam and fraud accounts (27 million bans related to this) the percentage of automated means was even higher (99.7%), but for those cases it makes sense. The other high numbers were related to both data protection and privacy violations (little over 5 million) and ‘other terms’ (little over 6 million). Several categories were never applied, of which cyber violence against women is an intriguing one because there were 26,615 terminations due to cyber violence. Obviously, among those there will be ones targeted at women. In order to conduct a proper analysis, we need more detailed data, which we hope to obtain as vetted researchers.

G. Conclusion

- 58 In our presentation in Fall 2021 in Porto we were hopeful that ODR could help social media platform users faced with a ban. We sketched a technical

13 J Shipp, R Harrison and A Curtis, ‘Resolving Content Disputes Outside the Courtroom Using the Digital Services Act’ (*Media@LSE*, 7 October 2024) <<https://blogs.lse.ac.uk/medialse/2024/10/07/resolving-content-disputes-outside-the-courtroom-using-the-digital-services-act/>> accessed 13 September 2026.

14 Instagram, ‘Terms of Use’ (*Instagram Help Centre*) <<https://www.facebook.com/help/instagram/termsfuse>> accessed 23 February 2022.

framework with different tools helpful in such a procedure, and emphasized the process should be quick and that the platforms should provide the reasons underlying their actions. Article 17 DSA forces social media platforms to communicate clearly about their actions to users, in case restrictions are imposed. This was needed, because the platforms took no or insufficient action on a voluntary basis. We also claimed that to fight a ban ODR techniques, preferably offered as a complaint handling procedure by a specialized third party, should be available. The DSA has an internal complaint handling procedure followed by ODR. We believe that this takes too much time and is therefore not efficient. Unless the internal complaint is dealt with almost instantly, the procedure is poor. But the DSA provides six months.

- 59 We discussed Articles 17, 20, and 21 of the Digital Services Act (DSA) which jointly establish the framework available to users who wish to challenge content moderation decisions, and relevant for this paper: social media bans. Article 17 is valuable, obliging platforms to provide clear statements of reasons for social media bans, allowing users to contest effectively the platform's decisions. Article 20 requires platforms to offer an internal complaint-handling system, but does not impose a sufficiently strict deadline for responses, which can undermine the effectiveness of the remedy, particularly because of the impact social media bans may have. We would prefer to see the internal complaint procedure replaced entirely by a swift external online dispute resolution (ODR) process. An impartial third-party mechanism could better guarantee fairness, neutrality, and timely resolution. In case internal complaint procedures remain, the DSA should require platforms to respond within a maximum of 24 hours. Article 21 is as yet too vague, but we still do believe ODR to be helpful for users facing a social media ban.
- 60 To assess whether our informed opinions reflect reality, we need access to detailed data on social media bans and the procedures through which users contest such decisions. In our next paper we hope to report findings based on data we obtain as vetted researchers under Article 40(4) DSA.