

## **Response to public consultation on Digital Services Act – transparency reports (detailed rules and templates)**

Ensuring transparency as regards online content moderation is **not just a matter of digital rights**, but it also touches upon core issues of our democratic systems, such as how to ensure an online civic discourse that is conducive to the optimal functioning of democracies; how to maintain elections free and fair amidst the spread of disinformation and microtargeting techniques online; and how to protect the rule of law. For this, EU institutions should offer substantive protection of individual rights, equal participation in political processes, and democratic debate. Meaningful transparency in online content moderation, part of online content governance, is one precondition for ensuring high-level protection of the EU's fundamental values.

As a matter of fact, the Digital Services Act's (DSA) efforts to increase transparency in content moderation are crucial to ensure that more data is available to identify the main risks that need to be mitigated, including in areas fundamental for our democracy, such as civic discourse and free and fair electoral processes. Additionally, increased transparency also increases accountability of the platforms, as it makes it possible to verify how content moderation activities are undertaken.

When it comes to Very Large Online Platforms (VLOPs) and Very Large Online Search Engines (VLOSEs) this is even more crucial, as 'content moderation systems' are one of the areas provided for in Article 34.2 of the Digital Services Act (DSA) where VLOPs and VLOSEs should monitor to identify systemic risks. Related mitigation measures also mention, among others, 'adapting content moderation processes' (Article 35.1).

We have analysed this matter in more detail in a [paper focusing on risk assessments and risk mitigation measures for civic discourse and electoral processes stemming from Articles 34 and 35 of the DSA](#). Among our recommendations, many refer to content moderation practices, such as establishing effective systems for users to flag and report illegal or inappropriate content; adopting clear and transparent policies on content moderation; and regularly reviewing algorithms and content moderation techniques.

For these reasons the **European Partnership for Democracy (EPD)** and **Civil Liberties Union For Europe (Liberties)** welcome the implementing Regulation, as the format and content of the reports have the potential to increase the transparency of online content moderation. We do however have recommendations that we think could benefit the proposal and hence increase its effectiveness in the context of risk mitigation for civic discourse and electoral processes. At the same time we understand that this is an ongoing process, and any template chosen should undergo regular evaluations and adjustments as necessary.

## 1. Ensure the reports are clear and easy to understand

Article 15(1) of the DSA mandates providers to publish 'clear, easily comprehensible reports', which is essential for the data in the reports to have practical uses, for instance when identifying main issues in content moderation that may lead to risks for civic discourse and electoral processes.

Accordingly, the European Commission has chosen a **standardised reporting system**. This choice can be beneficial in minimising discrepancies and simplifying comparisons across various reports. The initial evaluation involving Transparency Reports from Very Large Online Platforms (VLOPs), for instance, revealed a diverse range of models, posing challenges in data analysis and comparative approaches.

While we appreciate the standardised approach, it is crucial for the European Commission to ensure that this does not encourage a box-ticking compliance-focused exercise and the information contained in the reports remains meaningful, as outlined above.

Furthermore, **to improve the comprehension of the provider's content moderation decisions**, it is also vital to provide context and clearer explanations for specific data fields. Therefore, it is imperative for providers to explicitly link the content of the Qualitative Template to relevant metrics, and they should be granted flexibility in incorporating qualitative reporting in order to achieve this.

## 2. Contain meaningful information

For the reports to fulfil the purposes indicated above, that is providing relevant data to investigate further risks for civic discourse and electoral processes, it is also fundamental that the information provided is meaningful and creates a basis for further proceedings. Therefore, the details on the input/removal requests, the initiator, including the trusted flagger and their relationship to governments and their authorities and bodies, the number of pending cases, thematic areas, and language should all be accessible. Transparency should provide proper information on how VLOPs and VLOSEs conduct content moderation and how thoroughly they investigate requests. It is also crucial to know who and why to initiate content moderation.

For example, concerning **automated content moderation**, a crucial issue revolves around the accuracy and error rate calculations as this has often represented an issue, especially when it comes to moderation of political advertising, as highlighted in our [paper](#). For this reason, it would be essential for each provider to clearly outline the methodology they have chosen for these calculations.

### 3. Facilitate public access and processing of data

We also suggest that the European Commission takes steps to make the DSA Transparency reports **easily accessible to the public by proactively publishing them on a dedicated platform in a timely manner**. Especially during electoral campaigns, access to information about content moderation would be beneficial to ensure free political debates.

When it comes to the format of the documents, it is also advisable to require the use of open-source word processing document, such as the Open Document Format (ODF) as the default standard to ensure seamless compatibility across various applications and to facilitate the analysis of the data by the Commission, researchers and civil society experts.

### Conclusions

We believe our recommendations can benefit the proposal and hence **increase its effectiveness in the context of risk mitigation for civic discourse and electoral processes**. At the same time, we understand that this is an ongoing process, and any template chosen should undergo regular evaluations and adjustments as necessary.

### About us



The [European Partnership for Democracy](#) (EPD) is a network of democracy support organisations with a global remit to support democracy. Headquartered in Brussels, EPD's mission is to support democracy in Europe and around the world through the collective knowledge and capacities of European democracy support organisations.



The [Civil Liberties Union for Europe](#) (Liberties) is a non-governmental organisation promoting the civil liberties of everyone in the European Union. We are headquartered in Berlin and have a presence in Brussels. Liberties is built on a network of 19 national civil liberties NGOs from across the EU.

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