

Digital Services Act

Transparency reporting obligations

January 2024

The European Tech Alliance (EUTA) fully supports the Digital Services Act's (DSA) objectives to provide harmonised rules to curb the availability of illegal content, products or services online and ultimately to create greater trust for consumers and users online.

We believe in meaningful transparency which fosters user confidence and enhances users' understanding of content moderation practices, and allows European platforms to stay competitive.

In that context, we wish to raise a number of concerns regarding the proposed transparency report template, and to call for a more flexible, proportionate approach given the wide variety of services subject to the reporting requirements. In particular, we believe it is essential to:

1. Grant time for European companies' compliance success (Article 2)

We are concerned about the timeline for compliance with the proposed transparency report template, in view of the fact that an extensive template has only just been proposed and the engineering and procedural adjustments that many companies will need to make. European technology companies must establish systems to collect, analyse and present relevant data in a user-friendly manner. To achieve the goals outlined in the DSA, these systems should be built upon clear guidance from the authorities.

However, the template for the transparency report is not yet fully finalised and not all Member States have designated their national Digital Services Coordinators. This will make it particularly difficult for European online platforms to adapt their systems and procedures in time for the 17th of February 2024.

Recital 10 of the draft Implementing Regulation suggests that if services cannot comply with the transparency report template for the reporting cycle of 17 February to 30 June 2024, the information should be included in a separate section of the first report due in February 2025. We welcome this acknowledgment, and urge the Commission and national Digital Services Coordinators to take into account the reality of the adaptations that businesses will need to make in order to comply with the transparency report template.

Additionally, online platforms should be granted six months, rather than a two-month window, to publish their reports. This is necessary to ensure that data can undergo thorough reviews and verifications before publication, and reflects the fact that most companies will not have equivalent resources to VLOPs. Furthermore, this six-month timeframe would align with broader financial and information reporting schedules.

2. Avoid excessive data requirements which are not required to meet the DSA's objectives and would place a disproportionate burden on European platforms

We believe that the template extends beyond the scope of the DSA in certain respects, and in its current form would impose unnecessary costs and burdens on European online platforms. It is crucial to maintain the DSA's objective at the core of the transparency report exercise: to foster user trust and enhance users' understanding of content moderation practices, while allowing European platforms to stay competitive.

Providers of intermediary services would have to develop new processes, tools, and systems and invest potentially significant resources to comply with the template as proposed. When European tech companies' resources are predominantly directed towards compliance, it limits their capacity for research and development, consequently restricting their ability to effectively compete with global counterparts. Hence, it is essential to steer clear of excessive transparency requirements and maintain a balanced and proportionate approach.

Aligning with the essence of an Implementing Act, it is crucial to underscore that transparency report obligations must align with the provisions outlined in the DSA and should not extend beyond the boundaries defined in the adopted legal text.

Consequently, we recommend removing the following requirements as they go beyond the DSA and seem disproportionate:

- **Disclosure of visibility restrictions based on age** (Annex 1).
- **Monthly Breakdown** (Annex 2, part I. 1.): Requiring data broken down by calendar month will complicate the report production and interpretation, adding unnecessary time and cost, and is not necessary for comparability. Providers of intermediary services should have the freedom to set the frequency of reporting (e.g., quarterly, annually).
- The **sub-categories of content** (Annex 2, part I. 5.): these appear excessively granular and will likely force services to unnecessarily overhaul their technical infrastructure and processes. We urge the Commission to grant some flexibility by making these subcategories optional, or providing them as non-binding guidance only. We also recommend that the Commission explore the possibility of introducing an additional high-level category labelled "Other" to ensure accurate classification of all reports.
- **Reporting in seconds the median time taken to respond to authorities** (Annex 2, Part II, 1.2.1 (j) (k), 1.2.2.(n) (o), 1.3 (j) (k)): This requirement is extremely far-reaching as it necessitates real-time tracking, especially where content moderation is not automated, and is likely to lead to inaccuracies. The reference to seconds should be replaced by an indicative timeframe, aligning with other EU rules. For example, the General Product Safety Regulation (Regulation (EU) [2023/988](#)) refers to "within 48 hours" to take action.
- **Detailed data following a trusted flagger's notices** (Annex 2, Part II. 1.3. (i) (k) (l) (m) (o), or the **use of automated means** in the context of notices submitted through the notice and action mechanism by Trusted Flaggers (Annex 2, Part II. 1.6). The DSA only requires services to report the number of notices received from trusted flaggers.
- **Disclosure of labelling actions taken by services** (Annex 2, Part II. 1.4. (n) and 1.5.2. (k)).
- **Subdivision of items processed either "solely or partially" by automated means** (Annex 2, Part II. 1.4. (g) and 1.6.).
- **Complaints based on procedural grounds** (Annex 2, Part II, 1.5.1): this is not required by the DSA and also has no legal definition.
- **Outline of updates the provider made to the terms and conditions during the reporting period that affected its content moderation practices** (Annex 2, Part II. 1.6 and 1.7).

3. Align transparency reporting obligations with the statement of reasons database

To guarantee an effective reporting process under the DSA without creating unnecessary burdens, it is important to ensure coherence between the categories of data that services are required to collect under Article 24 (5) (sending their statements of reasons to the Commission’s DSA Transparency Database), and under Article 15 (1) on annual reports. There are several discrepancies. For instance categories such as “consumer information infringements” and “content in violation of the platform’s terms and conditions” appear in the transparency report template but not the DSA transparency database, whereas “scope of platform services” appears in the DSA transparency database but not the transparency report template.

The categories used by online platforms when preparing their annual transparency report and reporting into the transparency database should be consistent, to ensure coherent reporting and ease of implementation by online platforms. If the DSA transparency database available on the European Commission’s website is out of date, this should also be made clear to online platforms as soon as possible, and well in advance of the 17 February 2024 deadline.

4. Recognise the varied legal definitions of illegal content across EU Member States

The transparency report template categorises several kinds of content including categories for illegal and incompatible content and indicators for internal complaints. As Member States define illegal content differently, online platforms’ categorisation of illegal content may not align and be comparable. The lack of uniform standards could lead to misalignment, undermining the Transparency report’s coherence and utility, and making it difficult for researchers and policymakers to analyse the data effectively.

About the European Tech Alliance

EUTA represents leading European tech companies that provide innovative products and services to 500 million users¹. Our 28 EUTA member companies from 15 European countries are popular and have earned the trust of consumers. As companies born and bred in Europe, for whom the EU is a crucial market, we have a deep commitment to European citizens and values.

Our members



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¹ It reflects users, consumers and business customers from EUTA member companies, per year. It includes overlaps but illustrates the reach and impact of our services.