

DSA.028 VLOP Statement of reasons

Authors: Winfried Veil

Last update: 2023-06-06 16:56:53 | By: Winfried Veil

Created at: 2023-06-05 16:17:52

Art. 17 DSA

Statement of reasons

1. Providers of hosting services shall provide a clear and specific statement of reasons to any affected recipients of the service, for any of the following restrictions imposed:

(a) 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;

(b) suspension, termination or other restriction of monetary payments (monetisation);

(c) suspension or termination of the provision of the service in whole or in part;

(d) suspension or termination of the recipient's accounts.

2. This paragraph shall only apply where the relevant electronic contact details are known to the provider. It shall apply at the latest when the restriction is imposed, and regardless of why or how it was imposed. This paragraph shall not apply where the information is deceptive high-volume commercial content.

3. The statement of reasons referred to in paragraph 1 shall at least contain the following information:

(a) whether the decision entails either the removal of, or the disabling of access to, the demotion of, the restriction of the visibility of the information or the suspension or termination

of monetary payments related to that information or imposes other measures with regard to the information, and, where relevant, the territorial scope of the decision and its duration.

(b) the facts and circumstances relied on in taking the decision, including where relevant whether the decision was taken pursuant to a notice submitted in accordance with Article 14 or based on voluntary own-initiative investigations and, where strictly necessary, the identity of the notifier;

(c) where applicable, information on the use made of automated means in taking the decision, including where the decision was taken in respect of content detected or identified using automated means;

(d) where the decision concerns allegedly illegal content, a reference to the legal ground relied on and explanations as to why the information is considered to be illegal content on that ground;

(e) where the decision is based on the alleged incompatibility of the information with the terms and conditions of the provider of hosting services, a reference to the contractual ground relied on and explanations as to why the information is considered to be incompatible with that ground;

(f) clear and user-friendly information on the redress possibilities available to the recipient of the service in respect of the decision, in particular, where applicable through internal complaint-handling mechanisms, out-of-court dispute settlement and judicial redress.

4. The information provided by the providers of hosting services in accordance with this Article shall be clear and easily comprehensible and as precise and specific as reasonably possible under the given circumstances. The information shall, in particular, be such as to reasonably allow the recipient of the service concerned to effectively exercise the redress possibilities referred to paragraph 2, point (f).

5. This Article shall not apply to any orders issued pursuant to Article 8.