

DSA.132 OP Protection against misuse

Authors: Winfried Veil

Last update: 2023-06-05 21:00:35 | By: Winfried Veil

Created at: 2023-06-05 20:20:58

Art. 23 DSA

Measures and protection against misuse

1. Providers of online platforms shall suspend, for a reasonable period of time and after having issued a prior warning, the provision of their services to recipients of the service that frequently provide manifestly illegal content.

2. Providers of online platforms shall suspend, for a reasonable period of time and after having issued a prior warning, the processing of notices and complaints submitted through the notice and action mechanisms and internal complaintshandling systems referred to in Articles 16 and 20, respectively, by individuals or entities or by complainants that frequently submit notices or complaints that are manifestly unfounded.

3. When deciding on suspension, providers of online platforms shall assess, on a case-by-case basis and in a timely, diligent and objective manner, whether the recipient of the service, the individual, the entity or the complainant engages in the misuse referred to in paragraphs 1 and 2, taking into account all relevant facts and circumstances apparent from the information available to the provider of online platforms. Those circumstances shall include at least the following:

(a) the absolute numbers of items of manifestly illegal content or manifestly unfounded notices or complaints, submitted within a given time frame;

(b) the relative proportion thereof in relation to the total number of items of information provided or notices submitted within a given time frame;

(c) the gravity of the misuses, including the nature of illegal content, and of its consequences;

(d) where it is possible to identify it, the intention of the recipient of the service, the individual, the entity or the complainant.

4. Providers of online platforms shall set out, in a clear and detailed manner, in their terms and conditions their policy in respect of the misuse referred to in paragraphs 1 and 2, and shall give examples of the facts and circumstances that they take into account when assessing whether certain behaviour constitutes misuse and the duration of the suspension.