

COMPLAINT

against

TikTok Technology Limited

regarding

infringements of Article 17 and 24 (5) of
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).

Filed by the Gesellschaft für Freiheitsrechte e.V. / Society for Civil Rights

Table of contents

A. General Remarks	3
1. Introduction	3
2. Applicable Legal Provisions	3
3. Design of the DSA Transparency Database	6
B. Evaluation of Statements of Reasons	6
1. Implementation	6
2. Assessment	10

A. General Remarks

1. Introduction

The Gesellschaft für Freiheitsrechte e.V. (Society for Civil Rights, GFF) is a non-profit organization based in Berlin that has been properly constituted in accordance with the German law. According to its statutory objectives (**Exhibit 01**)¹ GFF aims to defend fundamental and civil rights through legal means. One of its key focus areas is digital rights in the modern age. To enhance the enforcement of online rights, GFF established the Center for User Rights, which aims to uphold user rights under the Digital Services Act (Regulation (EU) 2022/2065, DSA), among other initiatives.

Liz Carolan, a Dublin resident and user of the online platform TikTok (**Exhibit 02**) has authorized GFF under Article 86 (1) DSA to exercise her right to lodge a complaint against TikTok Technology Limited alleging an infringement of Article 17 and Article 24 (5) DSA with the Coimisiún na Meán on her behalf (**Exhibit 03**). She is a Board member of the Irish Council for Civil Liberties and has been working in the field of platform regulation and protection of user rights as a tech and democracy strategist and campaigner.

This complaint concerns the respondent's systematic failure to provide adequate statements of reasons for its content moderation decisions, as required by Article 17 DSA. Under this provision, providers of hosting services must offer sufficient justification for their moderation decisions. However, the respondents' current practice is to provide only generic explanations, typically referencing a violation of national law or the platform's terms of service in an abstract manner, without addressing the specific circumstances of each case.

As a result, affected users are often unable to effectively challenge moderation decisions. In many cases, it remains unclear why an account was suspended or why a post was deemed to violate the platform's rules. Even when users seek clarification, the respondent frequently fail to provide a more detailed explanation or responds with significant delays. This lack of transparency makes it difficult for affected individuals to effectively lodge complaints through the internal complaint-handling system of the platforms. Without sufficient information, users have little ability to argue against an erroneous moderation decision.

2. Applicable Legal Provisions

a) Article 17 DSA

According to Article 17 (1) DSA, providers of hosting services must provide all affected users a clear and specific statement of reasons for any restrictions imposed on the grounds that the content they provided is either illegal or violates the platform's terms of service.

¹ § 3 (2) (a) (b), (3) (a), (4) (a) Articles of Association of Gesellschaft für Freiheitsrechte e.V.

The detailed obligations set out in Article 17 DSA primarily serve to ensure transparency and constitute an essential aspect of procedural fundamental rights protection.² These requirements safeguard users from negative consequences of moderation decisions, particularly regarding their freedom of expression (Recital 54 (1) DSA). Only when hosting services provide clear and specific statements of reasons for their moderation decisions users would be able to understand the exact justifications behind a restriction and to make an informed decision about whether to adapt their behavior or challenge the restriction.³

Beyond protecting individual rights, Article 17 DSA also aims to foster a predictable and trustworthy online environment (Recitals 2, 3, and 4 DSA) and harmonize justification obligations across EU member states, providing legal certainty for providers of hosting services in their communication with users.⁴

A clear and specific statement of reasons requires detailed explanations, making generic or vague justifications inadequate, such as standardized responses with only a general reference to the violation of the terms of service.⁵ Providers of hosting services must provide information that is tailored to the specific case⁶ and explicitly state which aspect of the content is being disputed.⁷ The explanation must be as detailed and specific as reasonably possible under the given circumstances. The statements of reasons must also enable affected users to assess and to effectively exercise their available legal remedies (Article 17 (4) DSA). To this end, the provided explanation must be clear and easy understandable.⁸

Among the minimum requirements for adequate information set out in Article 17 (3) DSA, Article 17 (3) (b) DSA is particularly noteworthy, as it requires a statement of the facts and circumstances underlying the decision. This means that the statements of reasons must include sufficient details about the factual background that led to the moderation decision, clearly identifying the specific content subject to restriction, and ensuring that users can understand the key factual basis for the decision.⁹

In cases where content is classified as illegal, the specific legal basis must be provided. According to Article 17 (3) (d) DSA, a reference to the legal ground relied on has to be stated and an explanation has to be given as to why the information is considered to be illegal content on that ground. This requires an explicit connection between the content in question and the content moderation decision, allowing users to determine whether they can challenge the restriction.¹⁰ A clear reference to the content and

² *Raue*, in: Hofmann/Raue, DSA, 2023, Art. 17 para. 1; Cf. *Barudi*, in: Müller-Terpitz/Köhler, DSA, 1st edition 2024, Art. 17 para. 2.

³ *Ibid.*; cf. *Barudi*, in: Müller-Terpitz/Köhler, DSA, 1st edition 2024, Art. 17 para. 2; cf. Gerdemann/Spindler GRUR 2023, 3 (9).

⁴ Cf. *Barudi*, in: Müller-Terpitz/Köhler, DSA, 1st edition 2024, Art. 17 para. 2.

⁵ *Raue*, in: Hofmann/Raue, DSA, 2023, Art. 17 para. 48.

⁶ *Ibid.* para. 56.

⁷ *Ibid.* para. 48.

⁸ *Barudi*, in: Müller-Terpitz/Köhler, DSA, 1st edition 2024, Art. 17 para. 29.

⁹ Cf. *ibid.* para. 32.

¹⁰ Cf. *ibid.* para. 35.

its classification under the relevant legal provision is necessary; generic, standardized responses are insufficient.¹¹

When a moderation decision is based on a violation of the platform's terms of service, the provider of a hosting service must, according to Article 17 (3) (e) DSA, specify the relevant contractual provision and explain why the content is deemed non-compliant. It is important to note that the term "terms of service" is broadly defined (Article 3 (u) DSA). If the provider of a hosting service extends its terms of service across multiple documents, such as general terms of use, corresponding community standards, community guidelines, etc., the relevant provisions may derive from different policies.¹² Therefore, the exact contractual provision must be specified¹³; standardized text modules or general references to "violations of the terms of service" are not sufficient.¹⁴

b) Article 24 (5) DSA

According to Art. 24 (5) DSA the providers of online platforms shall, without undue delay, submit to the Commission the decisions and the statements of reasons referred to in Article 17 (1) DSA for the inclusion in a publicly accessible machine-readable database managed by the Commission.

The purpose of the disclosure obligation is to ensure transparency and enable public oversight of content moderation decisions (Recital 66 (1)).¹⁵ The comprehensive and collective publication in the database enables the analysis of trends and patterns in the platforms' content removal practices. According to Recital 66 (3) the structured database should allow access to, and queries for the relevant information, in particular as regards to the exact type of alleged illegal content at stake.

The moderated content itself does not need to be disclosed (Article 24 (5) (2) DSA). However, both the decision and its statement of reasons must be fully communicated. In cases where the decision is based on alleged illegality, the legal basis and an explanation of how the content violates the law must be provided. Similarly, when the decision is based on a terms of service violation, the specific contractual provision and its application to the case must be disclosed and subsequently published. Furthermore, the transparency database must allow users to search for the specific type of violation, whether it pertains to national law or the platform's policies.¹⁶ The only limitation set forth by Article 24 (5) DSA is that the disclosed information must not contain personal data.

c) Article 20 DSA

Art. 20 (1) DSA requires providers of online platforms to provide their users for a period of at least six months following the decision referred to in this paragraph, access to an effective internal complaint-

¹¹ Grünwald/Hackl: Inhaftemoderation bei Online-Plattformen, MMR 2024, 532 (535); Cf. Raue, in: Hofmann/Raue, DSA, 2023, Art. 17 para. 57.

¹² Cf. Barudi, in: Müller-Terpitz/Köhler, DSA, 1st edition 2024, Art. 17 para. 36.

¹³ Raue, in: Hofmann/Raue, DSA, 2023, Art. 17 para. 52.

¹⁴ Grünwald/Hackl: Inhaftemoderation bei Online-Plattformen, MMR 2024, 532 (535); Cf. Raue, in: Hofmann/Raue, DSA, 2023, Art. 17 para. 57.

¹⁵ Cf. Raue, in: Hofmann/Raue, DSA, 2023, Art. 24 para. 1.

¹⁶ Cf. Barudi, in: Müller-Terpitz/Köhler, DSA, 1st edition 2024, Art. 24 para. 18.

handling system that enables them to lodge complaints, electronically and free of charge, against certain content moderation decisions taken by the provider of the online platform.

The content moderation decisions subject to complaint under Article 20 (1) DSA largely correspond to the restrictions that the hosting service provider must inform users about and justify in detail under Article 17 (1) DSA. Providing a clear and specific statement of reasons required under Article 17 DSA is primarily intended to enable the affected users to effectively exercise their right to appeal through the internal complaint management system (Article 17 (4) (2) DSA).¹⁷ Users must be able to explain why the content referenced in the complaint is neither illegal nor in violation of the terms of service.¹⁸

The internal complaint management system is intended to enable affected users to challenge particularly restrictive decisions in an "easy and effective" manner (Recital 58 (1)). It allows for "quick and straightforward clarification of any misunderstandings regarding content" and for errors to be corrected.¹⁹ Thus, it also serves to clarify the facts of the case. The complaint procedure plays a crucial role in protecting users' rights and preventing chilling effects on their exercise of civil liberties in the digital realm.²⁰

3. Design of the DSA Transparency Database

The DSA transparency database is structured as follows: It features entry fields for submitting moderation decisions and their underlying statements of reasons, corresponding to the minimum information requirements outlined in Article 17 (3) DSA.

For each submitted moderation decision, one of 15 categories has to be selected to classify the type of violation (e.g. scope of platform service, illegal or harmful speech, violence etc.). For an overview of the categories, please refer to the DSA Transparency Database website: <https://transparency.dsa.ec.europa.eu/page/documentation>.

Further, among other requirements, providers of online platforms must use a text field to specify the facts and circumstances on which their decision is based. Additionally, they must provide a reference to the contractual basis and, in a separate text field, explain why the moderated content is deemed illegal or in violation of the platform's terms of service.

B. Evaluation of Statements of Reasons

1. Implementation

TikTok consistently keeps its statements of reasons for their content moderation decisions vague, either only citing a general violation of the platform's terms and conditions or categorizing the content under broad violation types (e.g., harassment and bullying, violent behavior, or criminal activities)

¹⁷ *Raue*, in: Hofmann/Raue, DSA, 2023, Art. 20 para. 39.

¹⁸ *Ibid.* para. 24.

¹⁹ Cf. BGH ruling from 29.7.2021 – III ZR 179/20, NJW 2021, 3179, para. 84 – hate speech.

²⁰ Cf. *Raue*, in: Hofmann/Raue, DSA, Art. 20 para. 1, 3.

without providing any further explanation for why the content is deemed a violation in the individual case.

This pattern is clearly demonstrated through the individual moderation decisions we have gathered, which are provided as examples and presented as evidence in the following section.

Evidence:

Screenshot “age restriction for video redacted”

- **Exhibit 04**

Screenshot “age restriction for video 2 redacted”

- **Exhibit 05**

Screenshot “suspension of account redacted”

- **Exhibit 06**

Screenshot “suspension of account 2 redacted”

- **Exhibit 07**

Additionally, these deficiencies in their statements of reasons can be demonstrated through their content related decisions that are published in the DSA Transparency Database.

The data in the DSA Transparency Database reveals that TikTok categorizes its statements of reasons for content moderation decisions over the past six months into 14 different types of rule violations according to the set categories that the database provides:

- Scope of platform services
- Illegal or harmful speech
- Scams and/or fraud
- Violence
- Data protection and privacy violations
- Protection of minors
- Unsafe and/or illegal products
- Pornography or sexualized content
- Negative effects on civic discourse or elections
- Animal welfare
- Intellectual property infringements
- Non-consensual behavior
- Risk for public security
- Self-harm

For a comprehensive overview of all statements of reasons and their categorizations please consult the [DSA Transparency Database](#)²¹.

²¹ DSA Transparency Database, Statements of reasons TikTok, available at:
[https://transparency.dsa.ec.europa.eu/statement?s=&platform_id%5B%5D=30&platform_id-30=on&created_at_start=&created_at_end=.](https://transparency.dsa.ec.europa.eu/statement?s=&platform_id%5B%5D=30&platform_id-30=on&created_at_start=&created_at_end=)

An analysis of all moderation decisions submitted and published on the DSA transparency database from October 1st to December 31st, 2024, revealed that TikTok cited a general violation of platform rules as the primary reason for deleting or restricting posts, closely followed by hate speech and incitement. Specifically, 44,3 % of cases were based on a general violation of platform rules, 5,0 % on fraud and manipulation, 0,7 % on intellectual property and privacy issues, 6,8 % on violence and harm, 42,6 % on hate speech and incitement and 0,5% on pornography and sexual content.²²

In its statements of reasons of moderation decisions categorized under “scope of platform services” TikTok systematically fails to specify which particular section of its Community Guidelines was allegedly violated or how the content in question constituted a breach. Instead, it provides only a broad, generic overview of its Community Guidelines without providing any case-specific information:

“We maintain content eligibility standards for the For You feed (FYF) that prioritize safety and are informed by the diversity of our community and cultural norms. We make ineligible for the FYF certain content that may not be appropriate for a broad audience related to: (1) Behavioral Health, (2) Sensitive and Mature Themes, (3) Integrity and Authenticity, and (4) Regulated Goods. Content that is ineligible for the FYF can still be discovered in other ways, such as through search tools or by following an account. We proactively enforce our Community Guidelines through a mix of technology and human moderation. We have detected this policy violation using automated measures. We have used automated measures in making this decision.”

Evidence:

Screenshot “[DSA Transparency Database TikTok: Scope of platform services](#)”

- **Exhibit 08**

In other cases, TikTok identifies the violation type in an abstract way, but regularly fails to provide further differentiation or more detailed information related to the specific circumstances of the decision. Under the facts and circumstances, TikTok does not address the specifics of the individual case at all, but instead generically states that the decision was taken pursuant to own-initiative investigations. In its explanation of why the content is considered as incompatible on that ground that its supposedly constitute a certain prohibited behavior, TikTok consistently provides only a short and generic description of what a certain type of violation generally entails. For instance, when TikTok labels a post as hate speech and hateful behavior it simply states that

“Tiktok enriched by the various backgrounds of our community members. Our differences should be respected, rather than a cause for division. We do not allow any hateful behavior, hate speech, or promotion of hateful ideologies. This includes content that attacks a person or group because of protected attributes. We proactively enforce our Community Guidelines through a mix of technology and human moderation. We have detected this policy violation using automated measures. We have used automated measures in making this decision.”

²² Helen Bielawa, Nina Krug, Rina Wilkin, Was wir nicht sehen sollen from January 25, 2025, available at: <https://www.spiegel.de/netzwelt/netzpolitik/geloeschte-inhalte-auf-tiktok-x-instagram-youtube-was-wir-nicht-sehen-sollen-datenanalyse-a-ca0629a1-16c4-47a3-a9fa-10b7c6b44ac2>.

Evidence:

Screenshot "[DSA Transparency Database TikTok: Illegal or harmful speech](#)"

- **Exhibit 09**

As the following evidence demonstrates, TikTok provides similar brief and generic descriptions of alleged violations across all other categories. Further, for the ground for decision, it regularly refers to the incompatibility with its terms and conditions²³ in general. Also, as a reference to the contractual ground, TikTok routinely cites a violation of its "Community Guidelines"²⁴.

Evidence:

Screenshot "[DSA Transparency Database TikTok: Scams and/or fraud](#)"

- **Exhibit 10**

Screenshot "[DSA Transparency Database TikTok: Violence](#)"

- **Exhibit 11**

Screenshot "[DSA Transparency Database TikTok: Data protection and privacy violations](#)"

- **Exhibit 12**

Screenshot "[DSA Transparency Database TikTok: Protection of minors](#)"

- **Exhibit 13**

Screenshot "[DSA Transparency Database TikTok: Unsafe and/or illegal products](#)"

- **Exhibit 14**

Screenshot "[DSA Transparency Database TikTok: Pornography or sexualized content](#)"

- **Exhibit 15**

Screenshot "[DSA Transparency Database TikTok: Negative effects on civic discourse or elections](#)"

- **Exhibit 16**

Screenshot "[DSA Transparency Database TikTok: Animal welfare](#)"

- **Exhibit 17**

Screenshot "[DSA Transparency Database TikTok: Intellectual property infringements](#)"

- **Exhibit 18**

Screenshot "[DSA Transparency Database TikTok: Non-consensual behavior](#)"

- **Exhibit 19**

Screenshot "[DSA Transparency Database TikTok: Risk for public security](#)"

- **Exhibit 20**

Screenshot "[DSA Transparency Database TikTok: Self-harm](#)"

- **Exhibit 21**

TikTok's terms and conditions as well as its Community Guidelines each contain a list of all types of possible violations, covering both illegal behavior as well as actions that only constitutes a breach of the terms of service. Moreover, the Community Guidelines are also incorporated in section 2 of its terms and conditions.

Evidence:

²³ TikTok Terms of Service, available at: <https://www.tiktok.com/legal/page/row/terms-of-service/en>.

²⁴ TikTok Community Guidelines, available at: <https://www.tiktok.com/community-guidelines/en/?lang%3Den=>.

Screenshot "[TikTok Terms of Service](#)"

- **Exhibit 22**

Especially TikTok's community guidelines include an extensive list of categories of prohibited behavior, such as youth safety and well-being, safety and civility or mental and behavioral health.

Evidence:

Screenshot "[TikTok Community Guidelines](#)"

- **Exhibit 23**

Upon clicking, each listed category is broken down into subcategories and particular conduct that would be considered violations of the community guidelines and subject to removal by TikTok. For instance, under safety and civility, this includes among others violent threats, promotion of violence or hate speech, hateful behavior and promotion of hateful ideologies. In some cases, TikTok assigns the type of prohibited behavior to one of these subcategories without further case specific details.

Evidence:

Screenshot "[Community Guidelines: Safety and Civility: Violent and Criminal behavior / Hate Speech and Hateful Behavior](#)"

- **Exhibit 24**

2. Assessment

TikTok systematically fails to meet the requirements for their statement of reasons as set out in Article 17 DSA. Contrary to Article 17 (3) (b) DSA, TikTok does not provide specific facts or circumstances related to the individual case on a regular basis. Instead, it either offers a generic reference to a violation of its Community Guidelines or its Terms of Service listing all possible violations, or it specifies an abstract type of violation, such as "Hate Speech and Hateful Behaviors". While such classifications may correspond to a section of its Community Guidelines, TikTok does not clarify which specific behavior within that section is being addressed, nor does it explain how the content in question constitutes a violation.

This issue is particularly evident in content moderation decisions categorized under "Scope of platform services," where the statement of reasons fail to provide any meaningful insight into the specific alleged violation. Similarly, when TikTok classifies a user's conduct as a more concrete type of violation (e.g. harmful or illegal speech or violence), it still remains unclear why the particular behavior is categorized as such. Based on the wording and purpose of Article 17 (1), (3) DSA, a purely abstract classification of the type of violation, without a clear and specific explanation as to why a posted content is considered non-compliant, is insufficient. Especially, Art. 17 (3) (e) DSA makes it clear that simply citing the contractual provision that has been violated is not sufficient. Instead, additional information must be provided to explain why the specific post falls under the prohibited behavior outlined in the provision. This is also demonstrated by the structure of the DSA Transparency Database which entails dedicated text fields for providing such explanations. For instance, if a satirical video is flagged for allegedly containing hate speech or illegal content, TikTok would have to explicitly explain which part of the video is problematic and in what way it constitutes a violation.

The categories TikTok employs to classify violations are overly broad and encompass a wide range of different situations, including illegal acts as well as other breaches of its terms of use. Further, many of the prohibited actions are open to interpretation and require clarification and an evaluation from the platform to determine their applicability to a specific case, especially with regard to the permissible exercise of fundamental rights in each case, in accordance with Art. 14 (4) DSA. For instance, what constitutes degrading behavior can vary depending on the context and language used. Similarly, a content may appear to include a hateful ideology at first sight, but, in fact, constitutes permissible criticism within the scope of satire. These ambiguities create even greater uncertainty for affected users.

As a result, users of TikTok systematically lack critical information about the precise reasons behind content moderation decisions. This prevents them from adjusting their behavior accordingly or effectively using the internal complaint mechanism, as guaranteed under Article 20 (1) DSA.

Finally, if the statements of reasons provided to users should differ from those submitted to the transparency database, this would in any case constitute a violation of Article 24 (5) DSA. The provision explicitly mandates a direct transmission of all content moderation decisions and their statements of reasons, including all the information required by Article 17 (3) DSA, ensuring full transparency. Only personal data is exempt from this obligation. However, this exemption does not warrant the systematic omission of any case-specific details. For instance, it is possible to specify which part of a post is being reprimanded, identify the specific violation (e.g. an insult), and provide an explanation of why a particular post qualifies as such a violation, all without disclosing any personal information.