

# THE EU DIGITAL SERVICES ACT (DSA)

How European Law Addresses Online Antisemitism and How You Can Use It, Wherever You Are



## What Is the DSA?

The **Digital Services Act** is a European Union law, fully in force since February 2024. It mandates that platforms maintain formal procedures for reporting and addressing prohibited content, including antisemitic hate speech, and establishes a binding legal obligation to act once notified.

Previously, platforms could ignore your reports without consequence. Now, failure to act can result in fines of up to **6% of global annual revenue**. This is a binding legal requirement, not a voluntary commitment.

## Why This Is a Game-Changer

The DSA shifts power from technology companies to individuals. Here is what that means in practice:

- **Platforms must act on reports.** They are required to respond promptly. If content is not removed, they must explain why.
- **You can appeal.** You may challenge any content moderation decision, including inaction, through a free internal complaint process or a free, independent review by an out-of-court settlement body.
- **Algorithmic accountability.** Major platforms must assess whether their algorithms or moderation systems contribute to the spread of hate speech and take steps to reduce this risk.
- **Targeted ad restrictions.** Platforms may not target advertisements to individuals based on ethnicity, religion, or other sensitive personal data.
- **Enforcement has teeth.** As of early 2026, the European Commission has opened multiple formal investigations into platform compliance and issued its first fine: €120 million against X for transparency violations.

*(Source: European Commission, 5 December 2025)*

## Not in Europe? It Still Applies to You

This is one of the DSA's most powerful features.

The DSA covers any platform with EU users. That includes every major social media company. It applies regardless of where you are or where the content was posted.

When platforms respond to DSA-based reports, they often remove content worldwide rather than blocking it on a country-by-country basis, which is more expensive and complex for them. When FOA's EU branch in France processes your report, we leverage our legal status in Europe to require platforms to act under the DSA.



In many cases, action on a report can have effects beyond a single country.

## How the DSA Compares to US Law

	US (Section 230)	EU (DSA)
Platform liability	Shielded from liability for user content	Must act on illegal content or face fines
Hate speech reports	No obligation to respond	Must respond and explain decisions
Transparency	Voluntary	Mandatory reports and algorithmic disclosures
Oversight	No dedicated body	European Commission + national coordinators
Your rights	Depends on platform policy	Right to report, receive explanations, appeal, and escalate

### A quick note on who gets these rights:

Most DSA protections apply to anyone, anywhere, as long as the content appears on a platform serving EU users. This includes reporting harmful content, getting explanations, filing appeals, and using independent review systems. The only right limited to EU residents is filing complaints directly with a national regulator. FOA France helps close that gap for our global community.

## The FOA Advantage:

### Why Reporting Through Us Works Better

Under the DSA (Article 22), platforms must prioritize reports submitted by officially recognized European organizations known as **Trusted Flaggers**. FOA operates in Europe through its French branch and holds Trusted Flagger status on major platforms. This means FOA can report directly under the DSA with legal authority.



**The impact is significant:** On platforms where antisemitism is most prevalent, **FOA's Trusted Flagger reports achieved during 2025 an average 67% removal rate, compared to 35% for individual volunteer reports.** On TikTok, FOA's removal rate reaches 97%. This difference reflects FOA's expertise, legal standing, and established relationships with platform enforcement teams. *(Source: FOA 2025 Annual Report)*

When you report antisemitic content to FOA, our team reviews it and submits it through our European branch in France. As an EU-based organization, we submit our reports through the Trusted Flagger mechanism under the DSA. While non-EU residents cannot file DSA Trusted Flagger reports directly, FOA's presence in Europe enables individuals worldwide to access this protection.

## What Platforms Are Covered?

The DSA's strictest rules apply to Very Large Online Platforms (VLOPs), defined as those with over 45 million monthly users in the EU. Currently designated VLOPs include Facebook, Instagram, YouTube, TikTok, X (formerly Twitter), LinkedIn, Snapchat, and Google Search, among others. The European Commission updates designations as platforms cross or fall below the threshold.

## Your Rights Under the DSA: A Legal Toolkit

The DSA gives you a clear set of tools:

- 1 Report.** Platforms must accept your report and act promptly.
- 2 Get an explanation.** If content is not removed, you are entitled to a "Statement of Reasons" — a formal explanation of the platform's decision.
- 3 Appeal.** You may challenge any decision, including inaction, free of charge, within six months.
- 4 Escalate to independent dispute resolution.** If the platform does not respond adequately, you may seek resolution through a certified body. Most dispute settlement bodies are free of charge, regardless of the outcome.
- 5 Report through FOA.** Our Trusted Flagger reports must be processed with priority, by law.



## If You Report Directly to a Platform

The DSA also covers you when you report content yourself. Here is what to know: The platform must handle your report because it serves users in the EU, not because of your location when you click “report.” For example, someone in Miami who reports an antisemitic post on Instagram has the same right to be heard, receive an explanation, and appeal as someone in Paris. **Only EU residents, however, can file a complaint directly with their national regulator.**

## Before You Report: Document Everything

- **Screenshot** the content, including the URL, username, date, and time.
- **Save the URL** of the specific post, not just the account page.
- **Note the platform and location** where the content appeared (post, comment, story, ad).
- **Record any previous reports** you have filed and the platform’s reference number, if provided.

## After You Report: What the Platform Must Do

When you report harmful content, you are entitled to a clear and thorough response. The platform must explain its decision, specify which rule was applied, clarify whether your report did or did not violate that rule, indicate whether a machine or a person made the decision, and outline your options for appeal. If you receive only a brief reply or no response, this is not only frustrating but also a violation of your rights. You are entitled to challenge the decision promptly.

## The DSA Transparency Database

All major platforms are required to record each content decision in a free, public database managed by the European Commission. You can review your report to see what information the platform submitted. If the database contains a full explanation but you received only a brief response, you have documented evidence for your appeal. If there is no entry, this indicates the platform has not fulfilled its obligations. You can search the database at [transparency.dsa.ec.europa.eu](https://transparency.dsa.ec.europa.eu). For detailed instructions, refer to Annex 1.



# If the Platform Doesn't Act: Your Four Options

- 1 Use the platform's internal appeal** (Article 20). Platforms must provide an easy-to-access system where you can challenge their decision for at least 6 months after the decision was made.
- 2 Escalate to FOA.** Send us your report reference number and screenshots at [foantisemitism.org/report-hate-post/](https://foantisemitism.org/report-hate-post/). We will resubmit as a Trusted Flagger.
- 3 Go to an out-of-court dispute settlement body** (Article 21). Certified dispute settlement bodies such as the [Appeals Centre Europe](https://www.appealscentre.eu/) also provide free, independent review of platform decisions to leave content online.
- 4 Contact your national Digital Services Coordinator** (EU residents). This is the official enforcement body in your country. Find yours at [digital-strategy.ec.europa.eu](https://digital-strategy.ec.europa.eu)

**Setting realistic expectations:** Even with the DSA, direct reports can be slow due to high volume and initial automated review. Direct reporting creates an important record. FOA's Trusted Flagger status provides an effective escalation path when platforms are unresponsive.

## Step-by-Step: How to Fight Antisemitism Online Using the DSA

### Step 1: Document the Evidence

Before reporting, capture all relevant details to establish a clear record. Take a screenshot including the content, URL, username, date, and time. Save the URL of the specific post. Record the platform and where the content appeared.

### Step 2: Report the Content

Use the platform's built-in reporting tool or submit your report directly to FOA at [foantisemitism.org/report-hate-post/](https://foantisemitism.org/report-hate-post/). If you report directly, save the reference number.

### Step 3: Follow Up

If the platform does not act or provide an explanation, use the appeal process (within six months). If the appeal fails or goes unanswered, escalate to FOA with your reference number and documentation.



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#### **Step 4: Escalate if Needed**

FOA will resubmit your report as a Trusted Flagger under the DSA. EU residents can also contact their national Digital Services Coordinator.

## **What You Should Know About the Current Political Context**

DSA enforcement has become a point of tension between the EU and the United States. Some US officials have characterized DSA enforcement as overreach, and trade pressure has been applied to weaken the regulatory framework. Despite this, the European Commission has continued to enforce the DSA and has publicly stated its commitment to the rule of law.

For FOA's community, the practical takeaway is this: the DSA remains in force, its enforcement mechanisms are active, and Trusted Flagger reports continue to be processed with priority. These protections exist regardless of political noise.

## **Take Action**

The DSA provides the legal framework. FOA's Trusted Flagger status ensures priority access. Our European branch enables this support globally. But these protections work only if you use them.

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**Report antisemitic content now: [foantisemitism.org/report-hate-post/](https://foantisemitism.org/report-hate-post/)**

Each report you submit helps create a safer internet for Jewish communities worldwide.

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# Annex 1: A Visual Guide to the DSA Transparency Database

The infographic below walks you through the six key steps for using the DSA Transparency Database to track how platforms handle your reports.

## Tracking Accountability: A Guide to the DSA Transparency Database



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