



Euroconsumers' Input to the European Commission's Draft Guidelines on the Trusted Flagger Mechanism under Article 22 DSA

July 2026



I. Strengthening the trusted flagger ecosystem through greater participation of consumer organisations

Euroconsumers welcomes the draft Guidelines and supports the Commission's objective of ensuring a consistent and effective implementation of the trusted flagger mechanism across the European Union. As recognised by the Commission, more than 70 entities have been awarded trusted flagger status since the full application of the DSA. While trusted flagger notices account for only around 0.1% of all notices received by very large online platforms, they nevertheless play a "particularly important role" in tackling illegal content due to the "quality and reliability" of their notices and the way in which they complement platforms' own content moderation processes.

Against this background, the Guidelines should encourage a broader and more diverse trusted flagger ecosystem. **Consumer organisations are currently only marginally represented among designated trusted flaggers despite their long-standing expertise in identifying illegal content affecting consumers, including online scams, fraudulent commercial practices, unsafe products and other illegal commercial content.**

Through handling consumer complaints, conducting independent market investigations and monitoring digital markets, consumer organisations – especially those working directly with consumers and engaging with market players - have developed specialised expertise and can provide unique insights into emerging consumer harms, including by bringing the experiences from fraud victims to the table.



In this context, the draft Guidelines rightly recognise that consumer organisations may apply for trusted flagger status, notably in relation to product safety. **Euroconsumers encourages the Commission to explicitly recognise that on-ground consumer organisations may also demonstrate particular expertise in identifying and notifying a broader range of illegal content affecting consumers, including online scams, fraudulent commercial practices, unsafe products and other illegal commercial content.** Such clarification would better reflect the evolving nature of illegal content affecting consumers, provide greater legal certainty for prospective applicants and encourage broader participation of consumer organisations in the trusted flagger ecosystem.

II. Clarifying the assessment of the independence criterion

Euroconsumers welcomes the draft Guidelines' clarification that cooperation with providers of online platforms for the purpose of submitting notices of illegal content "should not be seen, in themselves, as undermining the independence of trusted flaggers" and that financial support from providers of online platforms is "not, in itself, incompatible" with the independence requirement.

Consumer organisations are organisations whose core mission is to represent, defend and empower consumers. Through their day-to-day activities, including handling consumers complaints, independent testing, legal advice and support, market monitoring, partnerships with market players such as online platforms, policy and advocacy, enforcement and collective redress, they develop their expertise while remaining directly accountable to consumers. These activities constitute strong indicators of their independence and ability to act impartially, autonomously and objectively.

Working with market players is not an exception to this mission but an integral part of how any forward-looking, modern consumer organization works to improve markets for consumers. Consumer organisations need to care what consumers care about: access to good, affordable and innovative products and services. This implies leveraging the aggregated power of consumers – our biggest industrial asset – to challenge market players to step up. At the same time, it needs to ensure that markets can indeed deliver the innovation that truly meets consumer needs. The role of a consumer organisation is therefore not simply to criticize markets, but to improve how they work in the interest of the consumers. That means that next to product tests and consumer surveys, (legal) advice and support, personalised services, policy, advocacy and enforcement, purpose-specific partnerships with market players are part of the toolset that consumer organisations navigate.

Even more, having access to market players puts consumer organisations that engage with them in a privileged position to gain valuable insights into emerging consumers harms, market practices and illegal content that can benefit the purpose of the trusted flagger system. Combined with their direct relationship with consumers through complaint handling, market monitoring, legal support and enforcement activities, this places on-ground consumer organisations in a unique position to identify illegal content affecting consumers.



Euroconsumers encourages the Commission to **further clarify in the Guidelines that the assessment of independence mandated by Article 22 DSA should focus on whether an applicant is able to act impartially, autonomously and objectively when detecting, identifying and notifying illegal content. This assessment should consider the applicant's governance and financial reporting, decision-making autonomy, consumer interest mission and overall activities.** Requests for additional information concerning specific cooperation arrangements or funding should remain exceptional and be limited to cases where there are concrete indications that an applicant's ability to act independently, impartially and objectively may reasonably be called into question.

Such an approach would preserve the high standard of independence required by Article 22 DSA while providing greater legal certainty to applicants and supporting the Commission's objective of ensuring a level playing field across Member States.

III. Ensuring a proportionate and streamlined application process

Euroconsumers welcomes the Commission's objective of ensuring that the application process "should not be too complex, lengthy, burdensome or require disproportionate administrative steps from applicants" and that Digital Services Coordinators "should not request applicant entities to provide additional supporting evidence beyond what is necessary for the assessment of their application." These principles are essential to ensuring that the application process does not discourage qualified entities from applying for trusted flagger status and contributes to a broader and more diverse trusted flagger ecosystem.

Euroconsumers also welcomes the proposal for a common application form set out in Annex I, which should contribute to a more consistent assessment across Member States. To further support this objective, the Commission should clarify that the information and supporting documents listed in the Guidelines and Annex I are illustrative rather than cumulative. The application process should remain streamlined and avoid requesting the same information or supporting documentation multiple times where the relevant eligibility criterion has already been demonstrated through equivalent evidence.

In the same spirit, **where an applicant has already been recognized under Union or national law as fulfilling comparable consumer-interest functions or expertise requirements, DSCs should take such recognition into account and avoid requesting information or supporting documentation that has already been assessed under those frameworks.** For example, where a consumer organisation has already been recognised as a qualified entity for representative actions, this could be taken into account when assessing its application for trusted flagger status and unnecessary requests for information that has already been assessed should be avoided.



In this context, Euroconsumers encourages the Commission to reinforce the principle of proportionality throughout the assessment process. **The assessment of expertise should consider the applicant overall activities, experience and operating model as a whole. For consumer organisations, activities such as consumer complaint handling, providing support and guidance to victims of scams and other illegal commercial practices, independent market investigations, market monitoring, consumer testing, scam reporting tools and other established mechanisms for detecting illegal content affecting consumers provide strong evidence of the expertise and operational capabilities required under Article 22 DSA.** Their direct relationship with consumers and first-hand knowledge of emerging consumer harms enables them to identify patterns of illegal content at an early stage and make a particularly valuable contribution to the trusted flagger mechanism.

Finally, Euroconsumers welcomes the draft Guidelines' recognition that applicants may demonstrate their expertise through technical capabilities, methodologies and the use of automated tools subject to appropriate human oversight. **The Guidelines could further clarify that the deployment of AI-assisted detection and analysis tools may also constitute relevant evidence of an applicant's technical expertise and operational capability. Such clarification would future-proof the Guidelines,** recognise the increasing role of innovative technologies in supporting the detection of illegal content, and ensure that the assessment of applicants reflects the evolution of detection methods.

IV. Revocation of trusted flagger status

Euroconsumers welcomes the procedural safeguards included in the draft Guidelines regarding the revocation of trusted flagger status. In particular, we support the clarification that revocation should only follow an investigation by the competent Digital Services Coordinator and that the trusted flagger must be afforded an opportunity to react to the findings of the investigation and the intention to revoke its status.

To ensure that this right can be exercised effectively and consistently across Member States, the Guidelines should clarify that trusted flaggers should receive sufficient information on the findings of the investigation and the reasons supporting the proposed revocation, together with a reasonable period to submit observations and supporting evidence before a final decision is adopted.

The Guidelines should also recognise the distinction between first-time concerns and repeated or systemic failures. Where concerns regarding compliance with the conditions for trusted flagger status are identified for the first time, Digital Services Coordinators should allow trusted flaggers sufficient time to provide any necessary clarifications or supporting information before adopting a final decision on revocation. Such clarification would strengthen legal certainty and ensure that the right to be heard can be exercised effectively while preserving the integrity of the trusted flagger mechanism.



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