

PLA ALMENDROS, Rosa, *La solución extrajudicial de disputas transfronterizas en el Reglamento europeo de servicios digitales*, Colex, A Coruña, 2025.

The work that is the object of this review has the purpose of offering an exhaustive, orderly and systematic study of the European legal framework in the field of alternative online dispute resolution (ODR), contextualized in the growing relevance of the platform economy. Its author, Rosa Pla Almendros, addresses both the extrajudicial mechanisms provided for in Regulation (EU) 2022/2065, known as the Digital Services Regulation (DSR), and their relationship with the broader set of European instruments for the protection of users in digital conflicts. Through this analysis, the monograph diagnoses the fragmentation and lack of coherence of the current European system, while putting forward proposals for regulatory reform to strengthen it.

The monograph focuses on determining whether the extrajudicial resolution mechanisms provided for by the DSR especially aimed at challenging content moderation decisions taken by platforms constitute effective protection tools for digital users. However, the author does not limit her analysis to the regulation, but inserts it into the broader context of European regulations related to ADR-ODR, examining how these instruments interact with each other, where they overlap and what incoherences they generate.

The book is divided into two parts and conclusions.

In the first part, entitled “The legal framework of ODRs as a means of protecting the digital user in the European Union”, the European legal framework of ODRs and their evolution is presented. A historical, conceptual and structural analysis of extrajudicial resolution mechanisms in Europe is carried out, especially of those designed for cross-border conflicts arising from electronic commerce.

The nature of ODRs is first presented, distinguishing between heterocomposite mechanisms (decision by a third party) and autocomposite mechanisms (negotiation or mediation between parties), as well as their advantages compared with judicial proceedings: speed, simplicity, lower cost and adaptability to cross-border digital disputes. Their limitations are also examined. The expansion of electronic commerce and the need to protect the consumer in a borderless market have pushed the European legislator to develop efficient extrajudicial means as part of the Digital Single Market agenda.

The author divides the evolution of extrajudicial mechanisms into two stages: a first stage of lack of European legislative competence. In this phase the EU did not have regulatory authority to impose ADR/ODR mechanisms, which gave rise to soft law instruments, such as Recommendation 98/257/EC or Recommendation 2001/310/EC. Both sought to improve the quality of extrajudicial procedures, but without binding effects. Sectoral regulations were also approved which only encouraged the use of mechanisms already existing at national level.

A second stage of consolidation through hard law. After the recognition of competences, the EU began to adopt binding legislation that harmoniously regulated ADR-ODR, such as Directive 2008/52/EC on civil and commercial mediation, Directive 2013/n/EU (ADR Directive/RAL) or Regulation 524/2013 on online dispute resolution (now repealed).

The value of the monograph lies precisely in the analysis demonstrating that these rules are poorly adapted to disputes arising in the digital environment. The Mediation Directive is insufficient for online conflicts; the ADR (RAL) Directive presents deficiencies in its material scope; Regulation 524/2013 failed in its single-window system by overlapping with the network of European Consumer Centres. Hence the European Commission has put forward reforms pending approval, which the author examines in detail.

In the final section of this first part, the author analyses how regulations on digital services have gradually incorporated extrajudicial resolution mechanisms, although in a limited and uncoordinated manner. The E-Commerce Directive is presented as a direct precedent of the DSR, but its limited development of ODR mechanisms and the lack of regulatory unification in this field is highlighted.

The second part of the work, entitled “An individualized and contextualized study of the ODRs of the Digital Services Regulation”, presents the detailed study of the DSR’s ODR services and constitutes the core of the book. The author analyses the origin and structure of the DSR; the regulation of internal complaint-handling systems and the extrajudicial resolution mechanism of Article 21, as well as the coordination between these mechanisms and other European sectoral regulations.

The Digital Services Regulation represents a profound change in the conception of digital services regulation. The EU abandons the paradigm of digital liberalism and self-regulation to adopt a model of strong normative control over intermediaries, especially over large platforms. The author examines the origin of the DSR within the European “Digital Laws”, its scope of application, and the regime of responsibility and due diligence obligations of intermediary service providers.

The definition of an online platform, according to the author, is incomplete, because platforms not only intermediate, but also actively connect users, acting as electronic mediators. Additionally, the legal uncertainty generated by the criterion of “decisive influence” to differentiate intermediary providers from underlying providers is questioned, as it affects the applicability of the DSR.

On the user side, the relevance of the protective measures introduced by the regulation is highlighted, especially for consumers, who receive additional safeguards against decisions on content moderation.

On the other hand, the author examines Articles 20 and 21 of the DSR, pillars of the ODR system applied to content moderation. The emergence of mechanisms intended to detect and manage illegal content is analysed: good samaritan clause, notice-and-action systems, trusted flaggers, etc. Likewise, the measures that platforms may adopt are studied: removal of content, suspension of services or accounts, among others. The means for challenging content moderation decisions are analysed. The main mechanisms are two. The first is the internal complaint-handling system (art. 20), mandatory for platforms, which allows the user to challenge the moderation decision directly before the platform. The second refers to extrajudicial resolution mechanisms managed by certified bodies

(art. 21). The user may turn to them alternatively or subsidiarily. The extrajudicial bodies are certified by the digital service coordinators of the Member States. Furthermore, the role of codes of conduct and other voluntary measures to encourage the use of these mechanisms is studied. The author concludes that these articles are an important but “incomplete and insufficient” response to guarantee real protection for the digital user.

Finally, a section is presented in which the problems of coordination with other European ODRs are posed. This section reveals one of the main critical findings of the work: the European system is full of overlaps, incoherences and lack of coordination between mechanisms provided for by different regulations. The interactions between the DSR ODRs and Directive 2013/11 (ADR); Directive 2018/1808 on audiovisual media services; Directive 2019/790 on copyright; Regulation 2019/1150 (P2B) and Regulation 2021/784 on terrorist content online are analysed. The analysis shows that the integration of extrajudicial mechanisms has been unsystematic, generating superpositions that complicate the work of platforms, users and resolution bodies. The *lex specialis* criterion does not always favour the user and, in many cases, may reduce their level of protection.

After demonstrating the lack of coherence of the current regulatory framework, the author proposes a structural reform: replacing the logic of partial coordination with a unified two-tier model. In Tier 1, unified internal complaint systems are envisaged. All internal mechanisms provided for in different regulations should be integrated into a single harmonized system based on the standards of Article 20 of the DSR. On the other hand, in Tier 2, unique extrajudicial bodies under Article 21 DSR are envisaged. The bodies of Article 21 should be responsible for all disputes between users and platforms provided for in sectoral regulations, avoiding duplications. The author understands that this centralized system would strengthen coherence, improve efficiency, allow users to clearly identify avenues of redress, and avoid burdens and confusion for platforms and Member States.

The work ends with general conclusions. The work constitutes a rigorous and enlightening analysis of the complex European architecture of extrajudicial resolution of disputes in the digital field. Its main contribution lies in adequately contextualizing the DSR ODRs within the set of applicable European regulations, revealing their fragmentary, unsystematic and inefficient nature, and proposing a unified and well-reasoned regulatory model for the future of the Digital Single Market. It is, ultimately, a courageous study for denouncing a fragmented regulation, insufficiently coordinated and poorly adapted to the particularities of the digital environment, and for formulating proposals *de lege ferenda* aimed at unifying and rationalizing these mechanisms.

We can only add that a global work on the European regime of extrajudicial dispute resolution in the platform economy, and specifically on the European Digital Services Regulation, was necessary. The author, Rosa Pla Almendros, succeeds in presenting it coherently in the present monograph that we have had the pleasure of reviewing. Precisely, the need to research these novel matters with critical capacity are qualities that Professor Guillermo Palao Moreno highlights in his magnificent prologue, about the author and her work.

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