

EN

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Answer given by Executive Vice-President Vestager
on behalf of the European Commission
(21.10.2024)

Free speech is a pillar of democracy and at the core of the Charter of Fundamental Rights of the European Union¹ and the European Convention on Human Rights², which are legally binding on all EU institutions and Member States.

The Digital Services Act (DSA)³ does not regulate content⁴. Its objective is to ensure that everyone in the EU can enjoy online platform services safely, in full respect of fundamental rights. It does so by defining the platforms' responsibilities, so that algorithmic systems do not amplify illegal content and very large online platforms and search engines (VLOPSEs)⁵ take reasonable, proportionate and effective mitigation measures against the risks they pose to society (e.g. addictive design). It also protects EU users against over-removal of lawful content.

The Commission supervises DSA compliance by the VLOPSEs. To this effect, the co-legislator entrusted the Commission with investigative and enforcement powers, similar to those under EU competition rules. These powers and related procedures are laid out in the DSA⁶ and include the possibility of accepting commitments, i.e. remedial actions offered by platforms to solve the Commission's concerns without being subject to fines for non-compliance. To assist companies in deciding whether to offer commitments, in line with the principles of good administration, the Commission stands ready to explain its concerns to them⁷.

All Commission's actions, including in the DSA case concerning X and all other enforcement actions, are undertaken within the limits of its powers as outlined above. No demand, proposal or offer of 'quiet censorship' was made. The acts and decisions adopted by the Commission on the basis of the DSA are subject to judicial review.

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX%3A12012P%2FTXT>

² <https://eur-lex.europa.eu/EN/legal-content/glossary/european-convention-on-human-rights-echr.html>

³ 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).

⁴ As in the offline world, that is a matter for specific laws and the courts to determine.

⁵ VLOPSEs are designated online platforms and search engines with more than 45 million users in the EU (10% of the EU population).

⁶ DSA, section 4. The college of Commissioners has empowered the Member of the Commission with responsibility for communications networks, content and technology for the enforcement of the DSA on its behalf. Final acts (such as designations, final findings of non-compliance, decisions making commitments binding) have to be adopted by the college upon proposal of the empowered Commissioner. Actions related to running of the investigations are entrusted to the empowered Commissioner and its services in the Directorate-General for Communications Networks, Content and Technology (such as requesting information, ordering inspections, initiate infringement proceedings).

⁷ The Commission adopted the first DSA commitment decision on 5 August 2024, making binding TikTok's commitments to permanently withdraw TikTok Lite Rewards programme from the EU; see: https://ec.europa.eu/commission/presscorner/detail/en/IP_24_4161