(English version)

Question for written answer E-001450/24
to the Commission
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(29 July 2024)

Subject: Preliminary findings against X on breaching the Digital Services Act and a secret deal with other platforms

On 12 July 2024, the Commission released its preliminary findings under the Digital Services Act (DSA), accusing X of breaching transparency requirements ([1]). So far, X is the only platform that has been accused of infringing the DSA. In reaction to this, Elon Musk claimed that the Commission had offered an illegal secret deal to X, the essence of which was that, if X secretly censored speech, the Commission would not fine the company. He also stated that, while other platforms had accepted the deal, X did not ([2]). This raises serious concerns about the biased application of the DSA and the Commission's push to have politically undesirable content censored.

1. What were the terms of the secret deal offered by the Commission to social media platforms regarding content moderation?

2. Does the Commission believe that threatening and punishing platforms for refusing to censor certain political opinions is in line with EU values, such as the rule of law and fundamental rights?

3. How does it ensure that the application of the DSA does not result in the censorship of certain political opinions or in the restriction of freedom of speech?

Submitted: 29.7.2024

Answer given by Executive Vice-President Vestager on behalf of the European Commission
(9 October 2024)

The Commission exercises its powers in accordance with the Treaties. The protection of fundamental rights, including freedom of expression, is one of the main values, according to Article 2 of the Treaty on European Union ([1]), of the European Union law to which its institutions abide.

Likewise, at the heart of the Digital Services Act (DSA) ([2]) lays a deep commitment to the protection of fundamental rights. The DSA horizontal rules against illegal content are carefully calibrated and accompanied by robust safeguards for freedom of expression and an effective right of redress.

Under the DSA, the Commission is responsible for supervising and enforcing the specific DSA obligations that apply to very large online platforms and search engines.

To monitor their compliance with the DSA, the legislator has entrusted the Commission with investigative and enforcement powers.

All actions taken by the Commission, including in the context of the proceedings against X, as well as all other enforcement actions against other very large online platforms, are undertaken within the limits of its supervision and enforcement powers and strictly follow the procedures laid out in Chapter IV, Section 4 of the DSA, in compliance with the principles of good administration, legal certainty and respect for the rule of law.

On 12 July 2024, following its investigations, the Commission adopted preliminary findings against X for breach of the DSA. X now has the possibility to exercise its rights of defence by examining the documents in the Commission's investigation file, including evidence and sources underpinning the case, and by replying to the Commission's preliminary findings.

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1 [1]https://ec.europa.eu/commission/presscorner/detail/en/IP_24_3761.

2 [2]https://x.com/elonmusk/status/1811783320839008381?t=QJwW-K3D3rV1f21Jt67CWw&s=19&fbclid=IwZXh0bgNhZW0CMTAAAR2BtumVzSmagOz8NgkVCMj5IRZnjP8MyoosUYWh7AluDqwg6K-d9jAUiyI_aem_GDEJTeEN5mHdBkuwQjxVvA.

([1]) https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0023.02/DOC_1&format=PDF

([2]) Regulation (EU) 2022/2065, OJ L 277, 27.10.2022, p 1-102.