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E-001542/2024

Answer given by Executive Vice-President Vestager  
on behalf of the European Commission  
(15.11.2024)

Freedom of expression and information is a pillar of the EU's democratic system and is protected under the EU Charter of Fundamental Rights<sup>1</sup>, which is binding on the EU institutions and on Member States when they implement EU law.

The objective of the Digital Services Act (DSA)<sup>2</sup> is to ensure that everyone in the EU can enjoy online platform services safely, in full respect of fundamental rights, including freedom of expression. It does so by defining platforms' responsibilities, so that very large online platforms and search engines take reasonable, proportionate and effective measures to mitigate the risks they pose to society. It also protects users in the EU against over-removal of lawful content.

On 11 August 2024, Mr Musk announced a likely increase of X's user traffic due to a planned live-streamed event. The DSA requires designated platforms, including X, to have adequate means to deal with a massive traffic increase in order to avoid risks of amplification of any posts by its millions of users containing illegal content, disinformation or which are contrary to the terms and conditions of the platform. In this respect, it is noteworthy that X's terms of service ban hateful content; they also set rules on the moderation of violent content and to ensure civic integrity.

In ensuring compliance with the DSA, the Commission does not require removal of specific pieces of content. The letter sent to X on 12 August 2024 did not raise issues with the live broadcasting of the interview itself. It took no view on the context of the interview nor the political views of the participants in that interview.

All acts and decisions adopted by the Commission on the basis of the DSA are taken within the limits of the Commission's powers and are subject to judicial review.

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<sup>1</sup> [https://eur-lex.europa.eu/eli/treaty/char\\_2012/oj](https://eur-lex.europa.eu/eli/treaty/char_2012/oj)

<sup>2</sup> Regulation (EU) 2022/2065, <https://eur-lex.europa.eu/eli/reg/2022/2065/oj>