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Answer given by Executive Vice-President Vestager
on behalf of the European Commission
(7.11.2024)

Freedom of expression and information are pillars of democracy and protected under the Charter of Fundamental Rights of the European Union which binds the EU institutions and the Member States when they are implementing EU law as well as under the European Convention of Human Rights.

The Digital Services Act (DSA)¹ does not stipulate whether content is illegal. Its objective is to ensure EU users' safe enjoyment of online platform services while respecting fundamental rights, including the right to freedom of expression. The DSA defines the platforms' responsibilities and provides for mechanisms to mitigate risks, preventing over-removal of lawful content and limiting arbitrary content moderation decisions, in particular for very large online platforms and search engines (VLOPSEs) such as Meta or X.

Under the DSA, platforms must provide clear reasons for decisions on account access and suspension². Users can have decisions reviewed through an internal complaints system and submit disputes to a certified out-of-court dispute settlement mechanism body.

The Commission supervises DSA compliance by the VLOPSEs. To this effect, the co-legislator entrusted the Commission with investigative and enforcement powers. These powers and related procedures are laid out in the DSA.

All acts and decisions adopted by the Commission based on the DSA, including in the case concerning X and all other enforcement actions, are undertaken within the limits of its powers and are subject to judicial review.

Finally, the European Media Freedom Act³ adopted in April 2024 provides safeguards for reputable media service providers related to the moderation of their content deemed incompatible with the terms and conditions by very large online platforms.

¹ 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).

² For more information, please consult Article 17 of the DSA.

³ Regulation (EU) 2024/1083 of the European Parliament and of the Council of 11 April 2024 establishing a common framework for media services in the internal market and amending Directive 2010/13/EU (European Media Freedom Act).