

EN

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Answer given by Executive Vice-President Vestager
on behalf of the European Commission
(10.10.2024)

Freedom of expression and information is a pillar of democracy and protected under the EU Charter of Fundamental Rights¹, which is binding on the EU institutions and the Member States when they are implementing EU law, as well as under the European Convention on Human Rights².

The Digital Services Act (DSA)³ does not stipulate whether content is illegal⁴. Its objective is to ensure that users in the EU can enjoy online platform services safely while respecting fundamental rights. It defines the platforms' responsibilities and provides for mechanisms to mitigate risks, preventing algorithmic amplification of illegal content and over-removal of lawful content, especially for very large online platforms and search engines (VLOPSEs)⁵.

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 DSA⁶, and allow the Commission to accept and make binding commitments, i.e. remedial measures offered by platforms on voluntary basis to address the Commission's concerns without proceeding to a non-compliance decision and imposition of fines. The Commission stands ready to explain to companies its concerns, so as to enable them offering appropriate commitments. 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 EU⁷.

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.

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 with more than 45 million users in the EU (10% of the EU population).

⁶ DSA, Section 4.

⁷ https://ec.europa.eu/commission/presscorner/detail/en/IP_24_4161