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E-001750/2024

Answer given by Executive Vice-President Vestager

On behalf of the European Commission

(30.11.2024)

Under Article 56 of the Digital Services Act (DSA)¹, the Commission has powers to supervise and enforce the Regulation in relation to designated providers of very large online platforms and search engines. Since the DSA does not regulate content nor individual content moderation decisions² but rather the systems and processes online platforms have in place, these powers do not cover specific content moderation actions.

Codes of conduct are voluntary commitments within the framework of the DSA. Pursuant to Article 45(2) of the DSA, the drawing up of such codes may involve a broad array of stakeholders, as well as a regular reporting framework on any measures taken and their outcome. The Commission is a facilitator of these processes but does not intervene on individual content moderation decisions.

Under the DSA, records of all interactions with very large online platforms and very large online search engines are kept as part of the relevant case files. Article 84 of the DSA regulates the professional secrecy of information acquired and exchanged. Article 79 of the DSA regulates the providers' access to case files in case the Commission issues preliminary findings regarding a potential infringement, while Article 80 of that Regulation requires the Commission to publish certain decisions taken in the enforcement of the DSA.

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), <https://eur-lex.europa.eu/eli/reg/2022/2065/oj>

² That is a matter for specific laws and the courts to determine, same as for offline content.