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Answer given by Executive Vice-President Virkkunen
on behalf of the European Commission
(14.2.2025)

The Commission is committed to protecting freedom of expression as a fundamental right be it offline or online. Freedom of expression is essential to the EU's democratic system and is protected under the EU Charter of Fundamental Rights (the Charter),¹ which is binding on the EU institutions but also Member States when they are implementing EU law². In this case, it is for the Member State, including its judicial authorities, to ensure that fundamental rights are effectively respected and protected in accordance with national law and international human rights obligations.

The Commission has not been contacted by the Federal Government of Germany regarding possible plans to introduce rules such as those claimed by the Honourable Members and has not assessed their compatibility with EU law following such notification.

The Digital Services Act (DSA)³ aims to ensure a safe, predictable and trusted online environment that facilitates innovation and protects the fundamental rights enshrined in the Charter, such as the freedom of expression. The DSA sets out rules and responsibilities for online intermediaries to tackle illegal content (as defined in national and EU law), while safeguarding freedom of expression and information. It also contains a prohibition on general monitoring and conditional liability exemptions for online intermediaries, which aim to prevent over-removal of legitimate content online. Users can seek review of content moderation decisions through internal complaint-handling systems and out-of-court dispute settlement bodies. Moreover, the DSA obliges online platforms and search engines with more than 45 million average monthly users in the EU to assess and mitigate the systemic risks to which their services give rise.

¹ https://eur-lex.europa.eu/eli/treaty/char_2012/oj

² Article 51(1) of the Charter.

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), OJ L 277, 27.10.2022, p. 1 – 102.