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Answer given by Executive Vice-President Virkkunen
on behalf of the European Commission
(3.3.2025)

The Commission acknowledges Poland's efforts to align its legislation with the Digital Services Act (DSA)¹.

Commission takes note of the information available to it regarding the proposed amendments to the Electronic Services Act to establish an administrative procedure allowing the President of the Office of Electronic Communications (UKE) to issue removal orders against certain types of illegal content aiming to ensure a swift and predictable response to uphold legal standards. At this stage of draft legislation, the Commission has not performed a formal assessment of their compatibility with EU law which would take place in the context of the notification requirements set out in the Single Market Transparency Directive². The DSA does not empower national authorities to issue orders against illegal content but acknowledges that they may do so based on other applicable national or EU laws. When such orders fulfil the conditions set out in Article 9 of the DSA, this Regulation sets out an obligation for the providers concerned to inform the issuing authority of any effect given to those orders. The absence of content authors' involvement prevents delays but must be complemented by fair appeal mechanisms allowing the affected provider and users to seek redress.

The DSA sets out clear independence criteria that the President of the Office of Electronic Communications as Digital Services Coordinator under the DSA needs to abide by. The Commission will remain vigilant concerning compliance with the transparency requirements for Digital Services Coordinators under 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), OJ L 277, 27.10.2022, p. 1–102: <https://eur-lex.europa.eu/eli/reg/2022/2065/oj/eng>

² Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services OJ L 241, 17.9.2015, p. 1–15: <https://eur-lex.europa.eu/eli/dir/2015/1535/oj/eng>