(English version)

Question for written answer E-000191/25
to the Commission

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(17 January 2025)

Subject: Actual or foreseeable negative effects of Elon Musk's statements on civic discourse, electoral processes and freedom and pluralism of the media under the DSA

In recent weeks, Elon Musk has made comments that could potentially have an adverse effect on European democracies. Using X, a 'very large online platform' within the meaning of the Digital Services Act (DSA), he has openly supported a right-wing-extremist party, Alternative for Germany (AfD), by both making controversial statements and inviting its leader to a live interview. Elon Musk also suggested that judges ruling on certain migration cases in the Italian courts be removed from office.

Considering Elon Musk's ownership of X, as well as his position as an incoming advisor to president-elect Donald Trump:

1. Does the Commission consider these statements a 'systemic risk' that could have any actual or foreseeable negative effects on the freedom and pluralism of the media, as well as on civic discourse and electoral processes, as per Article 34(1)(b) and (c) of the DSA?

2. What steps does the Commission plan to take regarding the very large online platform's failure to 'mitigate risks' within the meaning of Article 35 of the DSA? Will those steps be taken in this case?

3. What tools is the Commission using to assess X's algorithm for the recommender system, and what are the findings of such assessments?

Submitted: 17.1.2025

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

(5 March 2025)

The Digital Services Act (DSA) ([1]) does not regulate what is legal or illegal content, or individual expressions or statements online which are protected by the right to freedom of expression, as enshrined in Article 11 of the EU Charter, within the boundaries defined in applicable EU or national laws.

The Commission has opened ten proceedings against designated very large online platforms under the DSA, including against X for suspected breaches of the DSA, regarding a suspected lack of compliance with, amongst others, Articles 34(1) and (2) and 35(1) DSA.

These provisions oblige providers of designated very large online platforms and online search engines to diligently identify, analyse and assess systemic risks, and put in place effective mitigation measures.

The current investigations against X comprise risks linked to civic discourse and elections in the EU, including risks stemming from the design and functioning of its algorithmic systems ([2]).

On 17 January 2025, the Commission ordered the provider of X ([3]) to preserve internal documents and information regarding the future design and functioning of its recommender algorithms while also requesting internal documentation on its recommender system relating to past changes, and to grant access to certain technical interfaces (APIs) to allow direct fact-finding on content moderation and virality of accounts.

([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.
([2]) https://digital-strategy.ec.europa.eu/en/policies/list-designated-vlops-and-vloses
([3]) https://digital-strategy.ec.europa.eu/en/news/commission-addresses-additional-investigatory-measures-x-ongoing-proceedings-under-digital-services

These measures will allow the Commission to take all relevant facts into account when assessing X's compliance with the DSA. All actions related to ongoing investigations are confidential until publicly communicated.