

(English version)

Question for written answer E-002698/25
to the Commission
Christel Schaldemose (S&D)
(2 July 2025)

Subject: Article 40(12) of the Digital Services Act

Article 40(12) of the Digital Services Act ⁽¹⁾ (DSA) was drafted with the aim of allowing researchers rapid access to highly valuable, minimally sensitive data, such as that needed to identify virality in its early stages. Many experts refer to this content category as ‘highly disseminated content’ (HDC), or content that achieves disproportionately high levels of spread and/or engagement.

While the Commission is investigating several platforms for their compliance with this provision, and while the delegated act on non-public data sharing is near adoption, an unambiguous position on this crucial provision from the Commission is overdue. Specifically, the Commission needs to be clear about the minimum viable mechanisms and terms under which data should be accessible to researchers under Article 40(12) DSA. It also needs to be unambiguous about what data should be considered publicly accessible.

1. Does the Commission agree that Article 40(12) DSA is intended to provide researchers with rapid access to viral public content (HDC)?
2. Does the Commission agree that it would be valuable for it to produce a public analysis and model clauses regarding the terms of public data sharing under Article 40(12) DSA, *inter alia* to preserve and uphold civic discourse?

Submitted: 2.7.2025

Answer given by Executive Vice-President Virkkunen on behalf of the European Commission
(20 August 2025)

Article 40(12) is a key provision of the Digital Services Act (DSA) ⁽¹⁾ enabling researchers to contribute to the governance of the DSA.

This provision requires providers of Very Large Online Platforms (VLOPs) and Very Large Online Search Engines (VLOSEs) to give researchers who fulfil the conditions set out in that provision and who perform research that contributes to the detection, identification and understanding of systemic risks in the EU pursuant to Article 34(1) DSA, access to data publicly accessible in their online interfaces.

This access should be provided without undue delay and, where possible, to real-time data. Recital 98 DSA specifies that the publicly accessible data includes for instance ‘aggregated interactions with content from public pages, public groups, or public figures, including impression and engagement data such as the number of reactions, shares, comments from recipients of the service.’

The Commission has initiated proceedings pursuant to Article 66(1) DSA against six providers of VLOPs for their compliance with Article 40(12) DSA.

The Commission sent preliminary findings to X pursuant to Article 73(2) DSA on 12 July 2024 ⁽²⁾ and has accepted AliExpress’ commitments pursuant to Article 71(1) DSA to enable independent access of public data via automated means, to maintain a dedicated Application Programming Interface, to provide customised datasets and to maintain a webpage providing relevant information on data access to researchers ⁽³⁾.

¹ Regulation (EU) 2022/2065 of 19 October 2022 on a Single Market For Digital Services, OJ L 277, 27.10.2022, p. 1, ELI: <http://data.europa.eu/eli/reg/2022/2065/oj>.

⁽¹⁾ <https://eur-lex.europa.eu/eli/reg/2022/2065/oj/eng>.

⁽²⁾ <https://digital-strategy.ec.europa.eu/en/news/commission-sends-preliminary-findings-x-breach-digital-services-act>.

⁽³⁾ <https://digital-strategy.ec.europa.eu/en/news/commission-makes-aliexpress-commitments-under-digital-services-act-binding>.