

(English version)

**Question for written answer E-002768/25
to the Commission**

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(8 July 2025)

Subject: Definition of ‘misinformation’ and ‘disinformation’, ‘lying’ and ‘misleading information’ in primary and secondary Union law

No definition of ‘misinformation’ and ‘disinformation’ is laid down in any primary or secondary source of EU law. Article 3(h) of the Digital Services Act contains merely a definition of ‘illegal content’. Only on its website does the Commission seem to suggest a definition, but it does not refer to any definition laid down in a legal text ⁽¹⁾.

Legal doctrine denounces the lack of a consistent definition of misinformation and disinformation within the European legal order, as well as its negative impact on legal certainty ⁽²⁾.

1. Why can the Commission not agree with the co-legislators on a legal definition of ‘disinformation’ and ‘misinformation’, even though this is essential to be able to combat them?
2. In the Commission’s view, what is the difference between ‘lying’ and ‘misinformation’?
3. The Commission defines misinformation as ‘false OR misleading information’. Does the Commission then mean that misleading information can also be true? And if misleading information can be factually correct, what is the difference between sanctioning factually correct information and censorship?

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

The Digital Services Act ⁽¹⁾ (DSA) aims to contribute to a safe, predictable and trusted online environment that protects fundamental rights enshrined in the Charter of Fundamental Rights of the European Union.

It does not define what type of content users may or may not post online nor what content constitutes disinformation. It also does not regulate speech.

The DSA obliges providers of very large online platforms and very large online search engines to assess and mitigate systemic risks, including to civic discourse, electoral processes and public security stemming from their services while protecting fundamental rights, including freedom of expression.

The DSA contains the world’s strongest safeguards of users’ rights online and protects EU users against removal of lawful content, e.g. by requiring platforms to publish online statements of reasons ⁽²⁾ for any content moderation decisions by platforms, internal and external complaint mechanisms for appealing content moderation decisions, allowing users to contest decisions and ensuring due process.

The Code of Conduct on Disinformation has been integrated into the DSA framework from 1 July 2025 and serves as a benchmark for DSA compliance.

The Code is a voluntary tool developed by its signatories. The Code is notably not geared towards content removal, but towards providing users with more context information and tools and allowing them to make informed decisions, fostering transparency and trust in online information.

The Code embraces the definitions of misinformation and disinformation set out in the European Democracy Action Plan, ⁽³⁾ which distinguishes disinformation from misinformation based on the intent to deceive or secure economic or political gain.

¹ <https://digital-strategy.ec.europa.eu/en/policies/online-disinformation>.

² K. Bleyer-Simon, U. Reviglio, ‘Defining Disinformation across EU and VLOP Policies’, European Digital Media Observatory, October 2024.

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

⁽²⁾ <https://transparency.dsa.ec.europa.eu/?lang=en>.

⁽³⁾ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020DC0790>.