

(English version)

**Question for written answer E-003272/25
to the Commission
Christine Anderson (ESN)
(22 August 2025)**

Subject: Stacking effects from diverse removal grounds under the Digital Services Act

Under the Digital Services Act (DSA), restrictions on free speech arise from criminal law, removal requests from trusted flaggers, arbitration outcomes, codes of conduct, etc.

In practice, platforms generally apply one uniform set of rules across the Union.

This leads to a stacking effect: when a trusted flagger in Member State A demands the removal of certain content, or when criminal law in Member State B prohibits particular speech, or when a risk assessment in Member State C identifies content as disinformation, the relevant material is deleted Union-wide. Citizens in Member State D, where none of these restrictions apply, cannot access that content either. In effect, the most restrictive national approach becomes the de facto standard for all Member States. This creates a race to the bottom, with maximum infringement of the principle of free speech across the Union.

1. Does the Commission acknowledge that stacking effects may produce a huge restriction of speech across the Union?
2. Will the Commission clarify that removal obligations should be territorially or materially limited to what is strictly required, instead of incentivising Union-wide or global deletions?
3. How does the Commission intend to ensure that citizens in more liberal Member States, whose legal orders provide for a higher degree of free expression, are not deprived of access to lawful content because of restrictive measures adopted elsewhere in the Union?

Submitted: 22.8.2025

**Answer given by Executive Vice-President Virkkunen on behalf of the European Commission
(14 October 2025)**

The Digital Services Act (DSA) aims to contribute to a safe, predictable and trusted online environment, in which fundamental rights enshrined in the Charter ⁽¹⁾, including freedom of expression, are effectively protected.

The DSA does not define which content is illegal. This is governed by other applicable EU and national laws. Rather, the DSA requires platforms in the EU to act transparently and fairly when moderating content in the EU, in accordance with their own rules.

To enhance transparency and facilitate scrutiny over content moderation decisions, the online platforms are required to provide clear reasons to affected recipients and to publish them in a Transparency Database ⁽²⁾. In addition, under the DSA, there is a prohibition to impose general monitoring obligations on providers of hosting services.

If a removal order is issued at national level, Member States are required to ensure that those orders meet the conditions set out in Article 9 DSA, including the territorial effect of an order, which is, in principle, confined to the jurisdiction of the issuing Member State.

A broader territorial scope may be justified but only where the illegality of the content derives directly from EU law, or where the issuing authority determines that the protection of the fundamental rights concerned requires such an extension, provided this remains consistent with EU and international law and is applied with due regard to international comity.

The DSA introduces harmonised due diligence obligations and liability exemption conditions for providers of platforms across the EU.

At the same time, any legislation applying EU law that limits freedom of expression of EU citizens must comply with conditions laid down in the Charter of Fundamental Rights of the EU.

⁽¹⁾ https://eur-lex.europa.eu/eli/treaty/char_2016/oj/eng.

⁽²⁾ <https://transparency.dsa.ec.europa.eu/>.