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Answer given by Executive Vice-President Virkkunen
on behalf of the European Commission
(10.11.2025)

The Digital Services Act (DSA)¹ objective is to ensure fair, consistent and transparent content moderation decisions that protect users' fundamental rights.

In the EU, orders to online platforms to remove illegal content must be based on Member States law, and applicable EU law, all in compliance with the EU Charter of Fundamental Rights, namely freedom of expression and information. Orders to remove illegal content are issued by authorities, such as judges – not governments. The DSA does not empower Member States' authorities or the Commission to order content removal nor stipulates what is illegal content. Instead, the DSA sets out harmonised procedures and provides additional transparency over orders of authorities. The DSA also states that these orders should apply only within the issuing Member State's jurisdiction.

The Commission denies the claim that the DSA provides a basis for the EU or Member States to order the removal of content online. Nothing in the DSA obliges online intermediaries to remove lawful content. The DSA does not regulate content, nor can it be used as a legal basis to censor any specific viewpoint. The DSA sets out clear and transparent rules² for online intermediaries to tackle the spread of illegal content, content incompatible with their terms and conditions³ and other systemic societal risks, including risks to the well-being of minors, freedom of expression and information.

The Regulation on addressing the dissemination of terrorist content online⁴ complements this by addressing clearly defined illegal terrorist content, such as incitement to commit terrorist offences or material disseminating the commission of such acts ensuring fundamental rights safeguard, namely freedom of expression and information.

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32022R2065>.

² DSA Article 16.

³ DSA Article 14.

⁴ <https://eur-lex.europa.eu/eli/reg/2021/784/oj/eng>.