(English version)

Question for written answer E-003616/25
to the Commission

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(18 September 2025)

Subject: Classification of political expressions and satire under the Digital Services Act

Recent reports indicate that, during a closed workshop in May 2025, the Commission allegedly classified the phrase ‘we need to take back our country’ as illegal hate speech, despite its widespread use across the political spectrum in the United States. The workshop reportedly also addressed humour, satire and memes, including how content moderation could apply to materials expressing political opinions or questioning those in power. One non-governmental organisation reportedly advocated for the removal of all content deemed harmful or hateful.

In the light of the above:

1. Has the phrase ‘we need to take back our country’ ever been formally regarded as hate speech, and if so, on what basis was that assessment made?

2. How does the Digital Services Act safeguard lawful political expression, including satire and humour, and what is the role of trusted flaggers in this regard?

3. Can the Commission clarify the objectives, organisers, participants and agenda of the May 2025 workshop, and whether its discussions influenced guidance to platforms?

Submitted: 18.9.2025

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

(18 November 2025)

The Commission organised a workshop on the assessment and mitigation of systemic risks identified under the Digital Services Act (DSA) on 7 May 2025. ([1]) Although initially planned as a public event, at the request of service providers the workshop was held behind closed doors and under the Chatham House Rule.

The workshop discussions were facilitated by fictional scenarios. These scenarios did not represent official Commission positions but served as conversation starters for participants to discuss service providers’ risk management processes.

In the EU, the offence of public incitement to violence or hatred, known as illegal hate speech, is defined in the framework Decision 2008/913/JHA ([2]) and its transposition into national law. The DSA does not define illegal content, it refers to national or EU law, and the illegality of individual content online is established by competent national authorities and courts. The DSA requires content moderation systems to ensure that content deemed illegal content according to national or EU law is removed while safeguarding the right to freedom of expression for all concerned parties.

Trusted Flaggers play an important role in this mission. As nationally vetted entities, they possess special expertise in identifying illegal content. However, while the DSA requires providers to process their notices with priority, it does not oblige them to confirm Trusted Flaggers’ assessments. The determination of illegality on their services remains fully within the providers’ purview, and ultimately to the courts.

The DSA safeguards freedom of expression through various redress and transparency mechanisms. Based on service providers’ transparency reports, these mechanisms have already led to the reinstatement of millions of pieces of content previously removed in error ([3]). As such, the DSA plays a crucial role in promoting a fair, free and safe online environment.

([1]) https://digital-strategy.ec.europa.eu/en/news/commission-holds-workshop-platforms-and-civil-society-assessment-online-risks.

([2]) Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law (OJ L 328, 6.12.2008, pp. 55-58).

([3]) https://digital-strategy.ec.europa.eu/en/policies/dsa-brings-transparency#ecl-inpage-lsetrsdp.