

(English version)

**Question for written answer E-005039/25
to the Commission
Christine Anderson (ESN)
(21 December 2025)**

Subject: Systemic risk obligations and design interventions of the Digital Services Act and their effects on lawful political expression

In the plenary debate on the European Democracy Shield (18 December 2025), Commissioner McGrath implied that the Digital Services Act (DSA) only concerns illegal content. Yet Articles 34 and 35 of the DSA expressly govern the design and functioning of very large online platforms, and Articles 36 and 51 empower the Commission to issue instructions or corrective measures affecting recommender systems, ranking parameters and the amplification of lawful content.

1. Can the Commission clarify whether systemic risk mitigation may require platforms to adjust distribution systems — such as ‘downranking’ or modifying recommender logic — even where all underlying content is lawful political speech?
2. Given that Article 11 of the Charter of Fundamental Rights of the European Union protects both the ability to express information and the ability to impart it effectively, how does the Commission assess the compatibility of compelled alterations to the reach of lawful political expression, particularly in electoral contexts?
3. Will the Commission disclose anonymised supervisory decisions or corrective actions in which design-level interventions were requested, so that citizens can understand how these powers operate in practice?

Submitted: 21.12.2025

**Answer given by Executive Vice-President Virkkunen on behalf of the European Commission
(9 March 2026)**

Article 34 of the Digital Services Act (DSA) ⁽¹⁾ requires providers of very large online platforms (VLOPs) and very large online search engines (VLOSEs) to assess any systemic risks in the EU stemming from the design or functioning of their services and its related systems. It is for the providers to design and implement the measures necessary to comply with Article 35 DSA.

Such measures may include adapting content moderation processes and recommender systems, for example in the context of elections.

Article 27 created requirements on recommender system transparency, and Article 38 requires VLOPs to provide users with at least one option which is not based on profiling.

Article 17 DSA requires clear and specific statements of reason for content moderation decisions, including ‘shadow banning’.

Several provisions of the DSA provide safeguards to the fundamental right to freedom of expression and information. For example, Article 34 DSA requires assessment and mitigation of any foreseeable negative effects for the exercise of fundamental rights, including the right to freedom of expression and information, as well as risks of negative effects on civic discourse and electoral processes.

Recital 86 DSA adds that: ‘[P]roviders [of VLOPs and VLOSEs] should give particular consideration to the impact on freedom of expression’.

In addition, Article 14(4) DSA requires that providers enforce their terms and conditions ‘with due regard to the rights and legitimate interests of all parties involved, including the fundamental rights of the recipients of the service, such as the freedom of expression’.

The Commission operates in full transparency. All final decisions of the Commission are published on its website ⁽²⁾.

⁽¹⁾ <https://eur-lex.europa.eu/EN/legal-content/summary/digital-services-act.html>.

⁽²⁾ <https://digital-strategy.ec.europa.eu/en/policies/list-designated-vlops-and-vloses>.