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Answer given by Executive Vice-President Virkkunen
on behalf of the European Commission
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Codes of conduct under the Digital Services Act (DSA)[1] are voluntary instruments, as explicitly stated in Article 45 of the DSA. They are developed by stakeholders, for stakeholders, including platforms and civil society. Non-compliance with commitments in codes is not sanctionable as such. However, if a signatory adheres to and complies with a code of conduct, this may be considered an appropriate risk mitigation measure[2], supporting their compliance with the DSA. At the same time, the mere fact of participating in and implementing a code of conduct does not in itself presume compliance with the DSA. The Commission assesses the compliance of providers of very large online platforms (VLOPs) and very large online search engines (VLOSEs) with the DSA on a case-by-case basis as part of its potential investigations.

Both the Code of Conduct on Disinformation[3] and the Code of Conduct on Countering Illegal Hate Speech Online[4] were established on a voluntary basis by their signatories even before the adoption of the DSA (respectively in 2018 and 2016). At the signatories' request, both have been updated and integrated into the DSA framework. The codes aim to uphold the freedom of expression while enhancing transparency. The signatories of both codes are diverse, including providers of platforms of different sizes, civil society organisations, and other stakeholders[5][6].

The Commission respects transparency requirements by publishing key enforcement decisions on a dedicated website[7]. It also makes publicly available its meetings with interest representatives[8]. Moreover, the DSA requires Commission and European Board for Digital Services conclusions related to the assessment, monitoring and evaluation of codes of conduct to be published.

[1] Regulation (EU) 2022/2065, https://eur-lex.europa.eu/eli/reg/2022/2065/oj/eng.
[2] See Article 35 of Regulation (EU) 2022/2065.
[3] https://digital-strategy.ec.europa.eu/en/library/code-conduct-disinformation.
[4] https://digital-strategy.ec.europa.eu/en/library/code-conduct-countering-illegal-hate-speech-online.
[5] Full list of signatories to the Code of Conduct on Disinformation: https://digital-strategy.ec.europa.eu/en/library/signatories-2022-strengthened-code-practice-disinformation.
[6] The signatories of the Code of Conduct on Countering Illegal Hate Speech Online+ are the providers of Dailymotion, Facebook, Instagram, Jeuxvideo.com, LinkedIn, Microsoft-hosted consumer services, Snapchat, Rakuten Viber, TikTok, Twitch, X and YouTube, https://digital-strategy.ec.europa.eu/en/library/code-conduct-countering-illegal-hate-speech-online.
[7] https://digital-strategy.ec.europa.eu/en/policies/list-designated-vlops-and-vloses.
[8] https://ec.europa.eu/transparency-initiative/meetings/meeting.do?host=aae7124c-b839-4139-9ffe-ad5660fe9404&page=1.