

EN

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Answer given by Executive Vice-President Vestager
on behalf of the European Commission
(7.10.2024)

Free speech is a pillar of democracy and at the core of the EU Charter of Fundamental Rights¹ and the European Convention on Human Rights², which are legally binding on all EU institutions and Member States.

The Digital Services Act (DSA)³ does not regulate content⁴. Its objective is to ensure that EU users can enjoy online platform services safely while respecting fundamental rights. It defines the platforms' responsibilities and mitigates risks, preventing algorithmic amplification of illegal content and over-removal of lawful content, especially for very large online platforms and search engines (VLOPSEs)⁵.

The Commission supervises DSA compliance by the VLOPSEs. To this effect, the co-legislator entrusted the Commission with investigative and enforcement powers. These powers and related procedures are laid out in the DSA⁶, and include the possibility of accepting commitments, i.e. remedial actions offered by platforms to solve the Commission's concerns without being subject to fines for non-compliance. To assist companies in deciding whether to offer commitments, in line with the principles of good administration, the Commission stands ready to explain to them its concerns. The Commission adopted the first DSA commitment decision on 5 August 2024, making binding TikTok's commitments to permanently withdraw TikTok Lite Rewards programme from the EU⁷. In ensuring compliance with the DSA, the Commission does not require removal of specific pieces of content.

All acts and decisions adopted by the Commission on the basis of the DSA are taken within the limits of the Commission's powers and are subject to judicial review.

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX%3A12012P%2FTXT>

² <https://eur-lex.europa.eu/EN/legal-content/glossary/european-convention-on-human-rights-echr.html>

³ Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and amending Directive 2000/31/EC (Digital Services Act).

⁴ As in the offline world, that is a matter for specific laws and the courts to determine.

⁵ VLOPSEs are designated online platforms with more than 45 million users in the EU (10% of the EU population).

⁶ DSA, section 4.

⁷ https://ec.europa.eu/commission/presscorner/detail/en/IP_24_4161