

(English version)

**Priority question for written answer P-003074/25
to the Commission
Günther Sidl (S&D)
(24 July 2025)**

Subject: Evidence of poor implementation of the Digital Services Act (DSA) by X and the Republic of Ireland

The DSA came into force in February 2024; it lays down specific obligations for large online platforms to tackle illegal hate speech on the Internet.

However, as explained in the blog post ‘X ist ein rechtsfreier Raum’ (‘X is a legal vacuum’) by an Austrian journalist and television presenter, there are considerable doubts as to whether, in practice, the DSA is being implemented in accordance with the law ⁽¹⁾. For example, following a criminal complaint made in order to have a perpetrator of hate speech on X investigated, both Twitter International Unlimited Company in Dublin, which is responsible for processing data for X in the EU, and the Irish Department of Justice refused to comply with a Vienna Regional Criminal Court order to provide information. The Austrian courts have therefore been unable to investigate the perpetrator.

1. Does the Commission regard it as permissible for an online platform to refuse to provide information to a Member State’s judicial authority on the ground that only requests under a bilateral mutual legal assistance agreement will be responded to?
2. Does the Commission regard it as permissible for a Member State to refuse to provide assistance on the ground that it is competent only if the requested data are physically stored on its territory?
3. Will the Commission take this case as an opportunity to look into whether X and the Republic of Ireland have breached their obligations under the DSA?

Submitted: 24.7.2025

**Answer given by Executive Vice-President Virkkunen on behalf of the European Commission
(19 August 2025)**

The Digital Services Act (DSA) ⁽¹⁾ does not regulate content and does not define what constitutes illegal content nor creates a legal basis for issuing orders to providers of online intermediary services to provide information or to act against illegal content.

Articles 9 and 10 of the DSA only specify the format that such orders should take and oblige providers of intermediary services to inform the authorities issuing the order about the effect given to the order without undue delay. The orders themselves must be issued on the basis of relevant applicable EU or national law.

As from August 2026, the E-evidence Regulation ⁽²⁾ will become fully applicable. It will facilitate the cross-border transmission of user data in criminal investigations.

It will allow a competent authority in one Member State to order the direct disclosure of user data held by a service provider established in another Member State, if the data pertains to a service offered in the EU and regardless of the location of physical storage.

The Commission is currently investigating X ⁽³⁾, for suspected breaches including of Articles 34(1), (2) and 35(1) of the DSA in relation to the obligation to assess and put in place effective mitigation measures against systemic risks, including the dissemination of illegal content.

The ongoing investigation also assesses whether X has breached Article 16 DSA, which regulates the processing of notices of allegedly illegal content hosted on X.

The Commission cooperates closely with the Irish Digital Services Coordinator, including on its ongoing investigation into X.

¹ <https://www.arminwolf.at/2025/06/28/x-ist-ein-rechtsfreier-raum/>

⁽¹⁾ 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) (Text with EEA relevance).

⁽²⁾ https://commission.europa.eu/law/cross-border-cases/judicial-cooperation/types-judicial-cooperation/e-evidence-cross-border-access-electronic-evidence_en.

⁽³⁾ https://ec.europa.eu/commission/presscorner/detail/en/ip_23_6709.