



EUROPEAN COMMISSION

Thierry Breton
Member of the Commission

Brussels, 27/11/2023
CA.16/TB

Dear Ms Pirkova,
Dear representatives of Access Now and other signatory civil society organisations,

Thank you for your letter of 17 October on the enforcement of the Digital Services Act (DSA).

I appreciate your support to our work to ensure full compliance with the DSA by the designated very large online platforms. As you recall, especially in times of armed conflict, we need to be extremely vigilant and protect our citizens by using the tools provided by the law.

We take this responsibility very seriously. I have been very open and transparent with the platforms since the beginning. We have given them the time and means to adapt their systems to their new obligations, including "stress tests" to help them better understand – in advance – what they were required to do.

It is in this spirit that I wrote to platform CEOs to highlight certain risks and incidents which have been detected in relation to the current conflict in the Middle East and to request that they take urgent and diligent action in line with their obligations.

The protection of fundamental rights, rule of law and due process are all at the core of DSA and its enforcement. As you correctly point out, the DSA sets out carefully balanced due diligence obligations for platforms, to cater for the specific nature of the risks and content at stake, distinguish between illegal and harmful content and ensure at the same time the full respect of fundamental rights, such as the freedom of expression and information. The principles which guided us in the crafting of these obligations are now also our compass in the enforcement phase.

The first enforcement steps that we have undertaken in the past weeks are indeed rigorously following the text of the DSA, based on clear legal powers conferred to the Commission in the law and in response to both the first analysis of the platforms' own risk assessments and evidence obtained through other sources. We are acting on the basis of credible indications that some of the systems of the platforms may be vulnerable to abuse. And, if that is the case, we want this to be corrected.

To ensure our investigations and the ensuing dialogue with the platforms benefit from all available evidence and expertise that the DSA architecture envisages, on 18 October we issued a set of recommendations for Member States to fast-track the DSA governance (which would otherwise be in place only in February 2024) and enhance our response to the spread and amplification of illegal content, such as terrorist content, before it can lead to a serious threat to public security. We also called on Member States to make use of the powers conferred to them by the different instruments under EU law to tackle illegal content, such as the Regulation on addressing the dissemination of terrorist content online, in force since June 2022.

The DSA is not about qualifying individual online expressions as illegal or harmful: it is about ensuring that the platforms assess and mitigate systemic risks and that they effectively comply with their policies and the DSA's due diligence obligations, including by ensuring that their response to illegal and harmful conduct is effective once this content has been detected and identified. In this respect, I count on you, civil society organisations with extensive expertise on the subject matters of our investigations, to actively play the role that the DSA entrusts to you to ensure platforms' accountability and support us in the exercise of our supervisory and investigatory powers.

To this effect I would be pleased to invite you to a roundtable that my services will organise in due course to draw on your expertise and inform our supervision activity with your assessment of emerging risks and sound mitigation practices.

Finally, while the DSA itself may not prescribe specific deadlines, such as those for Requests for Information, the Commission has the discretion to establish such timeframes. This is normal administrative practice, and designated platforms are equally entitled to request extensions of deadlines, tailored to their specific circumstances. We are now in extraordinary situations, and this has to be reflected into our process, with the goal of ensuring online safety and freedom of expression go hand in hand.

Thank you for your attention and cooperation in this crucial matter.

Yours sincerely,



Thierry Breton