

EN

E-000058/2021

Answer given by Mr Breton  
on behalf of the European Commission  
(11.3.2021)

On 15 December 2020, the Commission adopted the proposals for the Digital Services Act (DSA)<sup>1</sup> and the Digital Markets Act (DMA)<sup>2</sup>.

1. The objective of the proposed provision in Article 6 of the DSA, concerning voluntary own-initiative measures, is to give legal certainty to the providers of intermediary services that take voluntary measures to curb the dissemination of illegal content by explicitly providing that they will not be deemed ineligible for the liability exemptions solely because they carry out those voluntary activities. In addition, the proposed DSA contains safeguards which also apply when providers take such voluntary measures. For example, providers of hosting services would have to provide statement of reasons any time they remove or disable access to specific items of information.
2. Neither the proposed DSA nor DMA require the dismantling of any company. That said, in very exceptional cases, such as, for example, in cases of systematic non-compliance with the obligations laid down in the DMA, the Commission could impose structural remedies under clearly defined conditions.
3. The Commission considers that structural remedies are measures of last resort when no other measures are effective to ensure compliance with legal obligations. To ensure the effectiveness of regulatory intervention, such remedies should be seen as a complement to the possibility of imposing fines and periodic penalty payments and not as an alternative.

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<sup>1</sup> COM(2020) 825 final

<sup>2</sup> COM(2020) 842 final