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Answer given by Mr Breton
on behalf of the European Commission
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In recent years, it has become apparent that there is a need to establish clear responsibilities and accountability structures for online platforms and other intermediaries in the digital space. Today, there are no horizontal rules at EU level on private content moderation practices and users cannot fully exercise their fundamental rights such as freedom of expression and information.

This is why the Commission has recently adopted its proposal for the Digital Services Act, which aims to provide a clear, horizontal legal framework for intermediary service providers, tailored to their respective role, size and impact, while ensuring protection of fundamental rights and enabling a thriving digital economy.

Under the proposed rules, such providers would be required to apply their terms of service diligently and transparently in a non-arbitrary and non-discriminatory manner. Removal of content and suspension of accounts could only happen in cases clearly foreseen in the terms of service, and hosting service providers would have to provide a comprehensible statement of reasons for each content removal. Users would then have various ways to contest unjustified content moderation, including internal complaint mechanisms, out-of-court dispute settlement and judicial redress.

In addition, the Digital Services Act would introduce more transparency and certain restrictions on the use of automated tools in content moderation. Finally, the largest online platforms would be under additional, enhanced scrutiny. This would include an obligation to provide access to data to vetted researchers to identify and assess systemic risks stemming from the services of these very large online platforms such as negative effects for the exercise of the fundamental rights.