



MARGRETHE VESTAGER
EXECUTIVE VICE-PRESIDENT
A EUROPE FIT FOR THE DIGITAL AGE

THIERRY BRETON
MEMBER OF THE EUROPEAN COMMISSION
INTERNAL MARKET

Brussels, 28. 01. 2021
cnect.f.2(2021)302412

Dear Ms Geese, Mr Breyer, Mr Kolaja, Ms Van Sparrentak and Mr Lagodinsky,

Thank you for your letter of 14 December 2020 concerning the Digital Services Act, and for sharing with us the Greens/EFA model law on Notice and Action mechanism and content moderation procedures.

We highly appreciate the early engagement of the European Parliament in this important legislative file, in particular the adoption of three own-initiative reports, which the Commission took into utmost account when adopting its proposal. We also considered the views of all stakeholders, from academia to citizens, not least thanks to the Open Public Consultation conducted last year, where we received around 3000 submissions.

As you know, our proposal for the Digital Services Act (DSA) has now been adopted, together with the Digital Markets Act (DMA), and we are looking forward to entering into discussions with honourable members, groups and committees of the European Parliament.

We also welcome in particular the important work dedicated by the Greens/EFA to the fundamental issue of harmonised notice and action procedures, as reflected in your law model. The aim of the Commission's proposal is to provide an updated, harmonised and futureproof legal framework for the online environment. The proposed Regulations will increase the responsibility, transparency and accountability of services, strengthen the European Single Market, and allow smaller, innovative players to compete and scale-up across borders.

A key element of our ambitious endeavour is to make the Internet a safer place for consumers and businesses, but one where fundamental rights are fully respected. This is why we put our democratic European values – in particular, the protection of citizens' freedom of expression – at the core of our proposals.

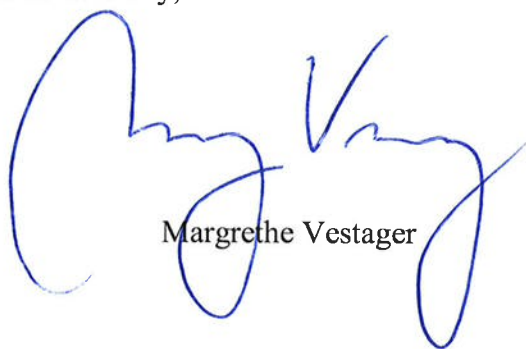
Alexandra Geese, MEP, alexandra.geese@europarl.europa.eu
Patrick Breyer, MEP, patrick.breyer@europarl.europa.eu
Kim van Sparrentak, MEP, kim.vansparrentak@europarl.europa.eu
Marcel Kolaja, MEP, marcel.kolaja@europarl.europa.eu
Sergey Lagodinsky, MEP, sergey.lagodinsky@europarl.europa.eu

The Commission proposal include many of the elements that you have also included in your model law. To name a few: the right to notify illegal content and a harmonised notice and action procedure; minimum standards for adequately substantiated notices to ensure legal certainty; no automatic liability or explicit removal obligation based on the mere receipt of a notice; right of the notifier and of the content provider to be informed; right to counter-notice (internal complaint), to independent (out-of-court) dispute settlement and, in all cases, to judicial redress; guarantees for terms and conditions and respect of the Charter of Fundamental Rights; cooperation with authorities and clear rules on cross-border removal orders; sanctions for non-compliance by the service; transparency obligations concerning content moderation and removal orders; extension of scope to non-EU providers offering services in the EU; exclusion of smaller providers from various obligations.

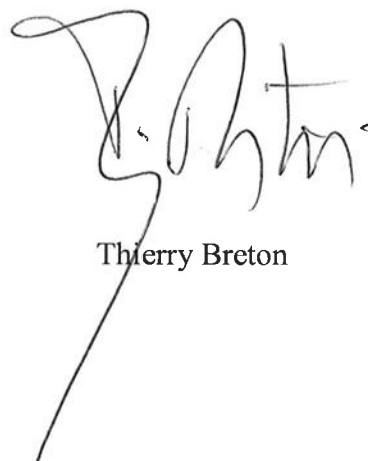
We hope that the high level of convergence between your law model and the Commission proposal will ensure an active support by your Group during negotiations.

As you rightly point out in your letter, the world is watching. We look forward to the negotiations with the co-legislators and we sincerely hope that the EU will swiftly proceed with the adoption of these ambitious and timely rules.

Yours sincerely,



Margrethe Vestager



Thierry Breton