



Bruxelles, April 11, 2025

Ursula von der Leyen,  
President of the European Commission

Henna Virkkunen,  
European Commissioner for Tech Sovereignty, Security and Democracy,

Michael McGrath,  
European Commissioner for Democracy, Justice, Rule of Law and Consumer Protection,

Dear President von der Leyen,  
Dear Commissioner Virkkunen,  
Dear Commissioner McGrath,

According to the Digital Single Market for Digital Services (DSA) Regulation (EU) 2022/2065, digital platforms must act promptly to remove or disable access to illegal content on their platforms once they are aware of its existence; removal or deactivation of access must be carried out in compliance with the fundamental rights of the beneficiaries of the digital service, including the right to freedom of expression and information - Recital (22).

According to the DSA, illegal content is information that is unlawful under European Union law or the national law of the Member States. False information is not, per se, a form of illegal content, but only if it is clearly illegal and is covered by the law's express restrictive provisions.

Under Article 11 of the Charter of Fundamental Rights of the European Union, everyone has the right of freedom of expression; this right includes freedom to hold opinions and to receive and communicate opinions and ideas without interference by public authority and regardless of frontiers. This fundamental right can be restricted only in exceptional circumstances, only temporarily and only on the basis of laws that are necessary in a democratic society.

An opinion is a value judgment, not information. A value judgment may be wrong or not credible, but such opinions are not unlawful per se, but only if expressly prohibited by law.

**1. Given Recital (22) of the DSA and Article 11 of the Charter of Fundamental Rights of the European Union, is it or is it not permissible to categorize an opinion as illegal content?**

In Romania, ANCOM has been designated as the competent authority responsible for the application of the Digital Services Regulation. However, on the basis of a Government normative act, the National Audiovisual Council, as well as the Central Electoral Bureau, have been given the title of competent authority with the application of the DSA during the Romanian presidential elections from May 4 -18 May, 2025.



**2. Given that the DSA is an EU Regulation which is directly applicable in the national law of the Member States, is it allowed to have multiple national authorities competent to apply the DSA?**

In Romania, under a Government normative act, the National Audiovisual Council and the Central Electoral Bureau were empowered to remove political opinions or even the opinions of ordinary citizens as illegal content.

**3. Given that the DSA is an EU Regulation that is directly applicable in the domestic law of the Member States, is it permissible to extend the restrictive and penalty rules of the DSA beyond the notion of illegal content, which means illegal false information, to political opinion, meaning the judgment of political value?**

Regards,

Prof.univ.dr. Gheorghe Piperea,

Georgiana Teodorescu, MEP

Serban Dimitrie Sturdza, MEP

Claudiu Richard Tarziu, MEP

Adrian Axinia, MEP

Nikola Stephen Bartulica, MEP

Dominik Tarczyński, MEP

Piotr Müller, MEP

Fernard Kartheiser, MEP

Virginie Joron, MEP

Christine Anderson, MEP

Rada Stefanova Laykova, MEP

Kristoffer Storm, MEP

Marc Jongen, MEP