



EUROPEAN COMMISSION

Henna Virkkunen
Executive Vice-President

Brussels
CNECT.F/F2

European Parliament Brussels
ASP 04F353
B-1047 Brussels
phone: +32 2 284-516

Subject: Concerns about potential foreign interference and algorithm transparency in Germany

Honourable Member Boeselager,

Thank you for your letter expressing your concern regarding Elon Musk's potential interference in the upcoming German federal elections and the transparency and neutrality of X's algorithm, in particular in relation to Elon Musk's personal account.

I am aware that this particular use of the platform has raised concerns, also in relation to X's compliance with the Digital Services Act (DSA).

At the outset, it is important to stress that anyone, including Mr Musk, is of course entitled to express his or her opinion - a right protected under the Charter of Fundamental Rights.

In the European Union, however, the DSA regulates online platforms' responsibility regarding the amplification of individual views through the design of their service and algorithmic systems.

The DSA obliges providers of very large online platforms to identify and assess systemic risks for civic discourse and electoral processes to which their services give rise and to adopt and enforce effective mitigating measures tailored to those risks. It empowers users to inform providers of illegal content on their platforms and requires those providers to inform those users of the action they have taken in response to such content (notice and action). Finally, it obliges providers of online platforms to offer maximum transparency on their recommender system, terms and conditions, and content moderation practices and decisions. In this context, pursuant to Article 27 DSA, X must set out in its terms and conditions the main parameters used in their recommender systems¹.

Some of these DSA obligations are already at the basis of the on-going investigations against X. On 18 December 2023, the Commission opened formal proceedings against X

¹ <https://help.x.com/en/resources/recommender-systems>

to assess whether it may have breached the DSA, *ia.* relating to the deceptive design of its interface, notably in relation to the ‘blue checks’, risks linked to the dissemination of illegal content such as illegal hate speech and terrorist content, risks for civic discourse and electoral process, its notice and action mechanism, researchers’ access to public data, and its advertising repository.

These proceedings are relevant to the issues you signal; they *ia.* deal with the concern that the boosting of blue check accounts through algorithmic ranking without disclosing this to users impairs their ability to make free and informed decisions about the relevance and noteworthiness of the content they are recommended.

On 12 July 2024, the Commission informed X of its preliminary findings that X is in breach of the DSA. Since then, X has had the right to have access to the file and provide comments on those findings, which it did and which are currently being assessed by the Commission services. The Commission is determined to advance with the case expeditiously and, while respecting due process, adopt a decision closing the proceedings as early as legally possible.

We will continue to monitor X’s compliance with all provisions of the DSA as a matter of priority and we will not hesitate to take enforcement action where necessary with regard to any other suspicions not already under investigation.

More generally, the Commission remains steadfast in its commitment to promote and protect democracy across the EU, including to help ensure the integrity of electoral processes. Free and fair elections are the very essence of democratic systems. The Commission fully recognizes the challenges the EU faces, both from outside and within, and has significantly strengthened its toolbox to protect democracy and to fight disinformation, information manipulation and foreign interference. While the conduct of elections is the responsibility of Member States, we will look into how we can support national authorities especially in the application of the relevant EU toolbox.

Should the threshold for a crisis be met, the Commission – acting upon a recommendation of the European Board for Digital Services – can trigger the crisis response mechanism and require specific actions from providers of very large online platforms. That tool should only be used where, and to the extent that, it is strictly necessary and any measures taken under this mechanism are effective and proportionate, taking due account of the impact it might have on the exercise of fundamental rights.

I look forward to closely collaborating with you on this important work.

Yours sincerely,

[electronically signed]

Henna Virkkunen

Contact:

Werner STENGG (Werner.STENGG@ec.europa.eu)