



**THE FOREIGN CENSORSHIP THREAT, PART II:
EUROPE'S DECADE-LONG CAMPAIGN TO CENSOR THE GLOBAL INTERNET
AND HOW IT HARMS AMERICAN SPEECH IN THE UNITED STATES**

Interim Staff Report of the
Committee on the Judiciary
of the
U.S. House of Representatives



February 3, 2026

EXECUTIVE SUMMARY

The Committee on the Judiciary of the U.S. House of Representatives is investigating how and to what extent foreign laws, regulations, and judicial orders compel, coerce, or influence companies to censor speech in the United States.¹ As part of this oversight, the Committee has issued document subpoenas to ten technology companies, requiring them to produce communications with foreign governments, including the European Commission and European Union (EU) Member States, regarding content moderation.² In July 2025, the Committee published a report detailing how the European Commission—the executive arm of the EU—weaponizes the Digital Services Act (DSA), a law regulating online speech, to impose global online censorship requirements on political speech, humor, and satire.³ Since then, pursuant to subpoena, technology companies have produced to the Committee thousands of internal documents and communications with the European Commission. These documents show the extent—and success—of the European Commission’s global censorship campaign.

The European Commission, in a comprehensive decade-long effort, has successfully pressured social media platforms to change their global content moderation rules, thereby directly infringing on Americans’ online speech *in the United States*. Though often framed as combating so-called “hate speech” or “disinformation,” the European Commission worked to censor true information and political speech about some of the most important policy debates in recent history—including the COVID-19 pandemic, mass migration, and transgender issues. After ten years, the European Commission has established sufficient control of global online speech to comprehensively suppress narratives that threaten the European Commission’s power.

Prior to the Committee’s subpoenas, these efforts largely occurred in secret. Now, the European Commission’s efforts have come to light for the first time, informing the Committee on legislative steps it can take to protect American free speech online.

¹ See, e.g., Press Release, H. Comm. on the Judiciary, *Chairman Jordan Subpoenas Big Tech for Information on Foreign Censorship of American Speech* (Feb. 26, 2025), <https://judiciary.house.gov/media/press-releases/chairman-jordan-subpoenas-big-tech-information-foreign-censorship-american>.

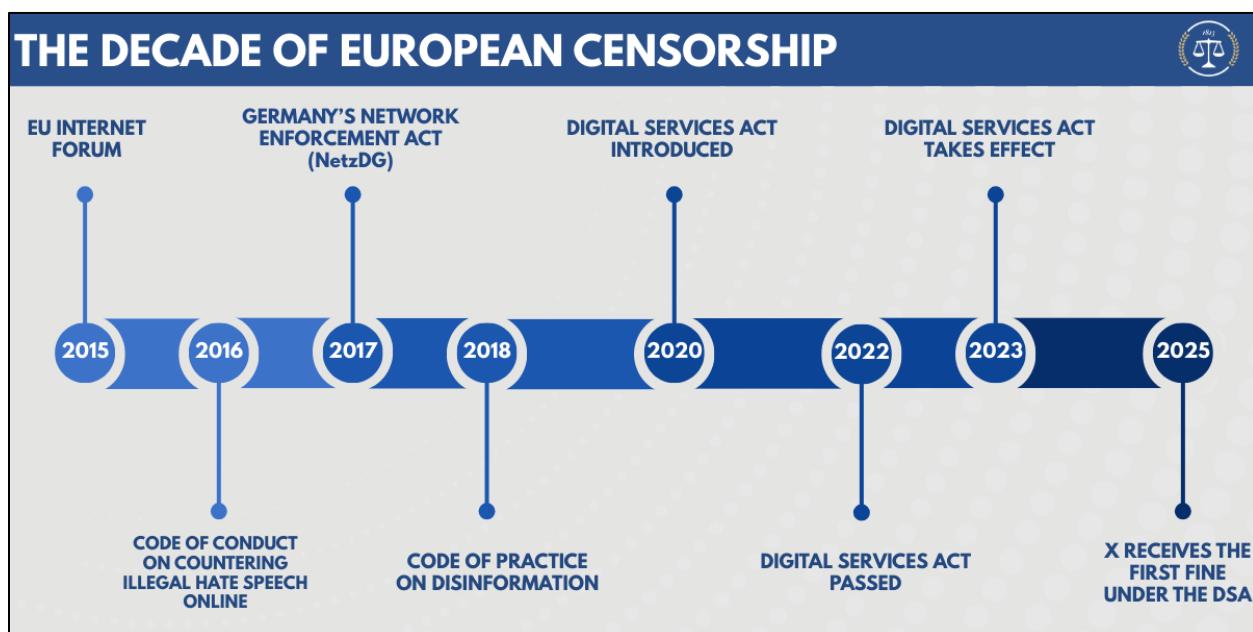
² Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Mr. Timothy Cook, CEO, Apple (Feb. 26, 2025) (attaching subpoena); Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Mr. Andy Jassy, President and CEO, Amazon (Feb. 26, 2025) (attaching subpoena); Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Mr. Satya Nadella, CEO, Microsoft (Feb. 26, 2025) (attaching subpoena); Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Mr. Christopher Pavlovski, Chairman and CEO, Rumble (Feb. 26, 2025) (attaching subpoena); Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Mr. Sundar Pichai, CEO, Alphabet (Feb. 26, 2025) (attaching subpoena); Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Custodian of Records, TikTok (Feb. 26, 2025) (attaching subpoena); Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Ms. Linda Yaccarino, CEO, X (Feb. 26, 2025) (attaching subpoena); Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Mr. Mark Zuckerberg, CEO, Meta (Feb. 26, 2025) (attaching subpoena); Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Mr. Steve Huffman, CEO & President, Reddit (Apr. 17, 2025) (attaching subpoena). Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Mr. Sam Altman, CEO, OpenAI (Nov. 5, 2025) (attaching subpoena).

³ STAFF OF THE H. COMM. ON THE JUDICIARY, 119TH CONG., THE FOREIGN CENSORSHIP THREAT: HOW THE EUROPEAN UNION’S DIGITAL SERVICES ACT COMPELS GLOBAL CENSORSHIP AND INFRINGES ON AMERICAN FREE SPEECH (Comm. Print July 25, 2025) (hereinafter “DSA Censorship Report I”).

The DSA is the culmination of a decade-long European effort to silence political opposition and suppress online narratives that criticize the political establishment.

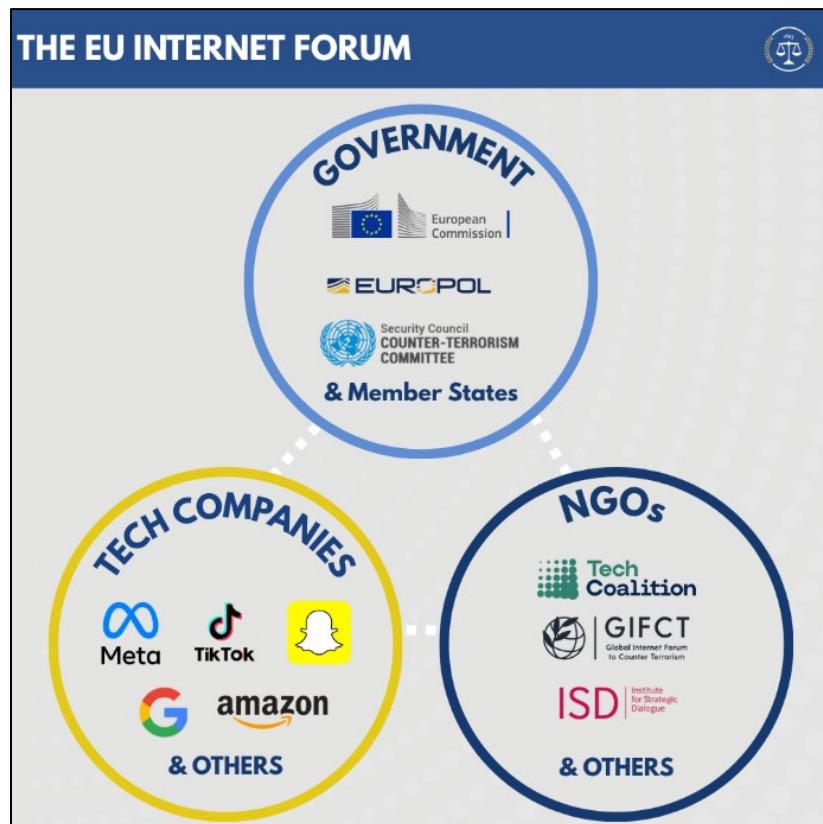
The DSA took effect in 2023, and the European Commission issued the first-ever fine under the DSA in December 2025 against X. Although the DSA has been in effect for less than three years, the fine against X represents the culmination of a decade-long effort by the European Commission to control the global internet in order to suppress disfavored narratives online.

The internet and social media initially promised to be a force that would democratize speech, and with it, political power. This development threatened the established political order, and by the mid-2010s, the political establishments in the United States and Europe sought to counter rising populist movements that questioned deeply unpopular policies such as mass migration. Recognizing that tackling this problem would take several years, starting in 2015 and 2016, the European Commission began creating various forums in which European regulators could meet directly with technology platforms to discuss how and what content should be moderated. Though ostensibly meant to combat “misinformation” and “hate speech,” nonpublic documents produced to the Committee show that for the last ten years, the European Commission has directly pressured platforms to censor lawful, political speech in the European Union and abroad.



The EU Internet Forum (EUIF), founded in 2015 by the European Commission's Directorate-General for Migration and Home Affairs (DG-Home), was among the first of these initiatives. By 2023, EUIF published a “handbook . . . for use by tech companies when moderating” lawful, non-violative speech such as:

- “Populist rhetoric”;
- “Anti-government/anti-EU” content;
- “Anti-elite” content;
- “Political satire”;
- “Anti-migrants and Islamophobic content”;
- “Anti-refugee/immigrant sentiment”;
- “Anti-LGBTIQ . . . content”; and
- “Meme subculture.”⁴

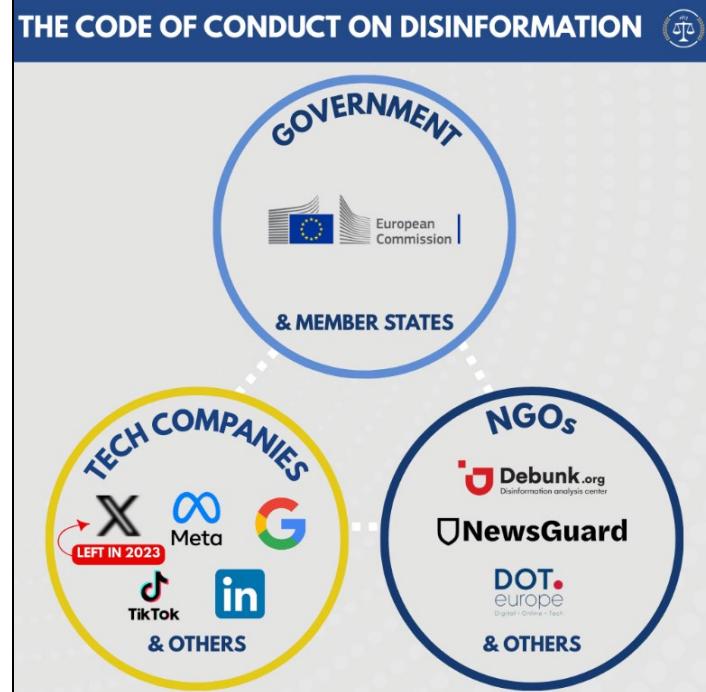
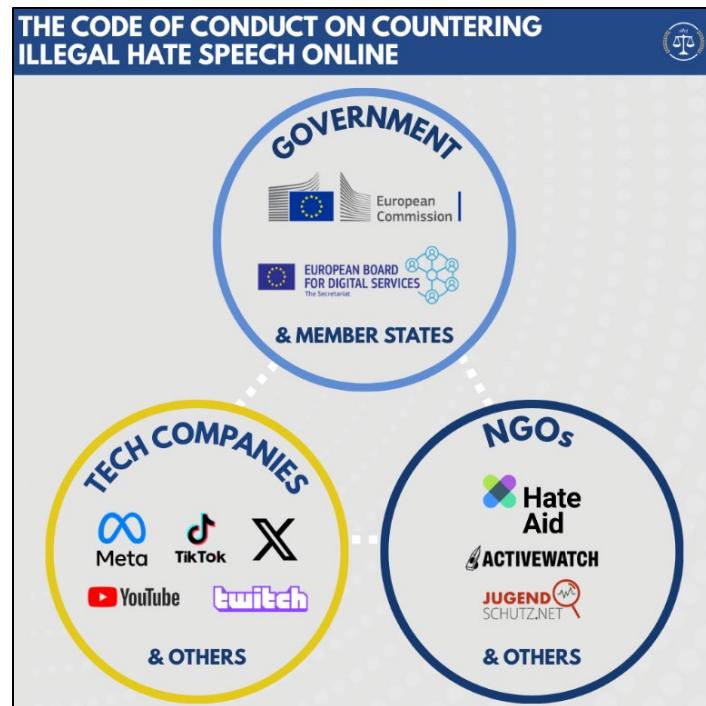


⁴ EU Internet Forum: *The Handbook of Borderline Content in Relation to Violent Extremism*, see Ex. 38.

The European Commission also enforced its censorship goals through allegedly voluntary “codes of conduct” on hate speech and disinformation. In 2016, the European Commission established a “Code of Conduct on Countering Illegal Hate Speech Online,” under which platforms including Facebook, Instagram, TikTok, and Twitter (now X) promised to censor vaguely defined “hateful conduct.”⁵

A “Code of Practice on Disinformation,” in which the same major platforms promised to “dilute the visibility” of alleged “disinformation,” followed in 2018.⁶ In high-level meetings with platforms, senior European Commission officials explicitly told the platforms that the Hate Speech and Disinformation Codes were intended to “fill [the] regulatory gap” until the EU could enact binding legislation governing platform “content moderation.”⁷

At around the same time, the most powerful EU Member States, such as Germany, began enacting censorship legislation at the national level.⁸



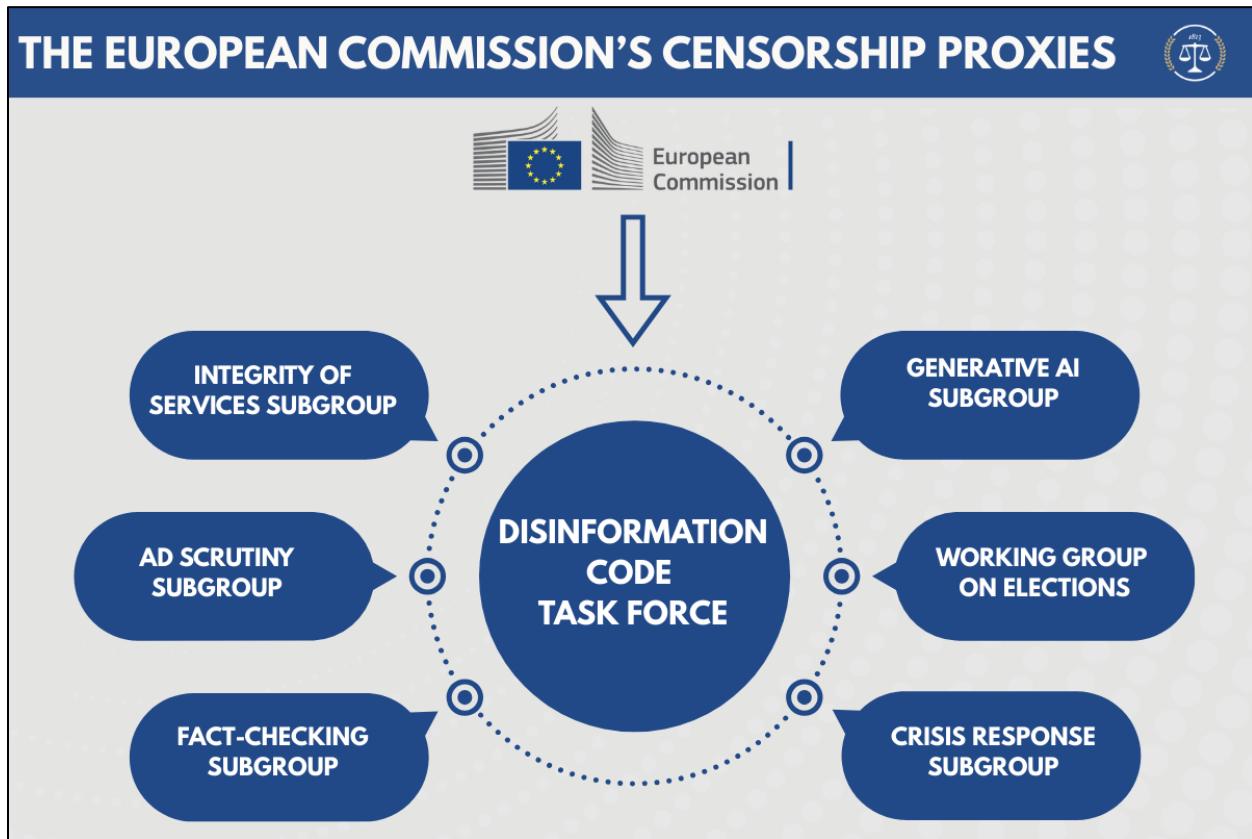
⁵ *The EU Code of Conduct on Countering Illegal Hate Speech Online*, EUROPEAN COMM’N (June 30, 2016), https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/combatting-discrimination/racism-and-xenophobia/eu-code-conduct-countering-illegal-hate-speech-online_en.

⁶ *2018 Code of Practice on Disinformation*, EUROPEAN COMM’N (June 16, 2022), <https://digital-strategy.ec.europa.eu/en/library/2018-code-practice-disinformation>.

⁷ Readout of meeting between TikTok and European Commission Vice President Vera Jourová (Apr. 20, 2021), see Ex. 55.

⁸ See Imara McMillan, *Enforcement Through the Network: The Network Enforcement Act and Article 10 of the European Convention on Human Rights*, 20 CHIC. J. INT. L. 252 (2019).

Later, in 2022 and right as the DSA was about to take effect, the European Commission updated the 2018 Disinformation Code. Under the new guidelines, platforms had to participate in a Disinformation Code “Task Force,” which would meet regularly to discuss platforms’ approach to censoring so-called disinformation.⁹ The Task Force broke into six “subgroups” focusing on specific disinformation topics, including fact-checking, elections, and demonetization of conservative news outlets.¹⁰ Across all of these subgroups, there were more than 90 meetings between platforms, censorious civil society organizations (CSOs), and European Commission regulators between late 2022 and 2024.¹¹



These meetings were a key forum for European Commission regulators to pressure platforms to change their content moderation rules and take additional censorship steps. For example, in over a dozen meetings of the Crisis Response Subgroup, the European Commission inquired about platforms’ “policy changes” “related to fighting disinformation.”¹²

⁹ *The 2022 Code of Practice on Disinformation*, EUROPEAN COMM’N (June 16, 2022).

¹⁰ See *infra* Sec. III.F.ii.

¹¹ *Id.*

¹² See, e.g., Agenda: Meeting of the Permanent Task-Force Crisis Response Subgroup (Dec. 14, 2023), *see* Ex. 196.

The “voluntary” and “consensus-driven” European censorship regulatory regime is neither voluntary nor consensus-driven.

Both before and after the DSA's enactment, the European Commission established several forums to engage regularly with platforms about content moderation, including the Hate Speech Code and the Disinformation Code. These forums, which collectively held more than 100 meetings where regulators had the opportunity to pressure platforms to censor content more aggressively, were purportedly voluntary and intended to achieve “consensus” through a so-called regulatory dialogue.¹³ None of that was true. As internal company emails bluntly reveal, the companies knew that they “[didn’t] really have a choice” whether to join these voluntary initiatives.¹⁴ And the European regulators were running the show: agendas were set “under (strong) impetus from the EU Commission” and so-called “consensus” was achieved under heavy pressure from the European Commission.¹⁵

the EC if they disagree with where it's going.

On Thu, Jun 22, 2023, 09:03 [REDACTED] <[REDACTED]@google.com> wrote:
See below - the EC is opening the GAJ subgroup under the Code of Practice. I assume we want to join
(we don't really have a choice), but do we also want to co-chair it?

Thanks for your thoughts, [REDACTED]

Google staff noted that participation in Disinformation Code subgroup meetings was effectively mandatory, and that the European Commission retained significant control over the agenda and group decisions.

¹³ Internal emails among Google staff (June 22, 2023), *see* Ex. 2; *see infra* Sec. III.E.

14 *Id*

15 *Id*

The European Commission successfully pressured major social media platforms to change their global content moderation rules, directly infringing on American online speech in the United States.

Most major social media or video sharing platforms are based in the United States¹⁶ and have a single, global set of rules governing what content can or cannot be posted on the site.¹⁷ These rules set the boundary for what discourse is allowed in the modern town square, making them a key pressure point for regulators seeking narrative control to tighten their grip on political power. Critically, platform content moderation rules are—and effectively must be—global in scope.¹⁸ Country-by-country content moderation is a significant privacy threat, requiring platforms to know and store each user’s specific location every time he or she logs on.¹⁹ In an age where users can freely use virtual private networks (VPNs) to simulate their location and protect their personal information, country-by-country content moderation is also ineffective²⁰—in addition to creating immense costs for platforms of all sizes.²¹ The internet is global, and platforms govern themselves accordingly. That means that when European regulators pressure social media companies to change their content moderation rules, it affects what Americans can say and see online *in the United States*. European censorship laws affecting content moderation rules are therefore a direct threat to U.S. free speech.

Years before the DSA’s enactment, the European Commission made these platform content moderation rules its primary target. During the COVID-19 pandemic, senior European Commission officials pressed platforms to change their content moderation rules to globally censor content questioning established narratives about the virus and the vaccine.²² With the approval of EU President Ursula von der Leyen and Vice President Vera Jourová, the European Commission asked platforms how they planned to “update[] . . . [their] terms of service or content moderation practices (promotion / demotion)” ahead of the rollout of COVID-19 vaccines.²³

¹⁶ Examples include Facebook, Instagram, YouTube, and X. The notable exception TikTok, is Chinese-owned, but is transitioning its U.S. operations to majority-American ownership under a deal negotiated by President Trump. *See* Clare Duffy, *The deal to secure TikTok’s future in the US has finally closed*, CNN (Jan. 23, 2026).

¹⁷ *See, e.g.*, *Community Standards*, META, <https://transparency.meta.com/policies/community-standards/> (last visited Jan. 29, 2026); *YouTube’s Community Guidelines*, YOUTUBE HELP, <https://support.google.com/youtube/answer/9288567?hl=en> (last visited Jan. 29, 2026); *The X Rules*, X, <https://help.x.com/en/rules-and-policies/x-rules> (last visited Jan. 29, 2026); *Community Guidelines*, TIKTOK, <https://www.tiktok.com/community-guidelines/en> (last visited Jan. 29, 2026).

¹⁸ *Id.*; *see, e.g.*, *YouTube Community Guidelines enforcement*, GOOGLE TRANSPARENCY REPORT (last visited Jan. 29, 2026), <https://transparencyreport.google.com/youtube-policy/removals> (“YouTube’s Community Guidelines are enforced consistently across the globe, regardless of where the content is uploaded. When content is removed for violating our guidelines, it is removed globally.”); *Community Guidelines*, TIKTOK, https://www.tiktok.com/support/faq_detail?id=7543604781873371654 (last accessed Jan. 29, 2026) (“Our Community Guidelines apply to our global community and everything shared on TikTok.”).

¹⁹ *See* Rumble Inc.’s Response to an Order to Produce Records from British Columbia’s Office of Human Rights (Aug. 31, 2022); Ex. 288 (confirming that some platforms do not currently collect detailed location information of users).

²⁰ *See* DSA Censorship Report I, *supra* note 3, at 31.

²¹ *See, e.g.*, Trevor Wagener, *The High Cost of State-by-State Regulation of Internet Content Moderation*, DISRUPTIVE COMPETITION PROJECT (Mar. 17, 2021).

²² *See e.g.*, Emails between TikTok staff and European Commission staff (Oct. 30, 2020), *see* Ex. 48.

²³ *Id.*

----- Forwarded message -----

From: [Redacted]@ec.europa.eu>

Date: Fri, 30 Oct 2020, 19:57

Subject: [External] disinformation with regard to vaccines and testing - kind request

To: <[Redacted]microsoft.com>, [Redacted]@fb.com>, [Redacted]@twitter.com>, [Redacted]@bytedance.com>, [Redacted]@google.com>, [Redacted]@fb.com>

Cc: [Redacted]@ec.europa.eu>, [Redacted]@ec.europa.eu>, [Redacted]@ec.europa.eu>

Dear all,

I would like to use our close collaboration over the past years for a quick request.

In the context of the broader Covid strategy and the need for urgent actions, we have been tasked this afternoon by [Redacted] to address disinformation and misinformation on vaccines (and testing).

While colleagues from DG Connect are reviewing the third batch of the broader Covid-19 disinformation reports that you kindly sent, I wanted to ask for your quick assistance specifically on this angle.

It would be very helpful if you could provide - for the purpose of designing a good and targeted work-plan on fighting Covid vaccines disinformation (and misinformation) – data / information on **how you assess the situation with vaccines, the main narratives, what are the reactions of users etc.** It would also be very interesting to have some **trends (and predictions)** in this regard if you have them. The aim is to understand where we are in terms of intensity of the campaign against Covid-19 vaccination and where things may go.

Our plan is to come with proactive communication efforts and to assist member states. I should stress that the information from you would only be used for the purpose of designing the right actions and we would not share it with the general public.

It would be much appreciated if you could provide the information **by Wednesday lunchtime**, of course anything you could share even faster would be great. It doesn't need to have any specific format, and both qualitative and quantitative information could be valuable.

I would also ask for a kind confirmation of your readiness to offer space on your platforms for official national or EU channels and information related to Covid-19.

Finally, as it will be essential in the next stages to pay special attention to the vaccination aspect, if you have any relevant updates on your terms of services or content moderation practices (promotion / demotion), please let me know as well.

Given the urgency, I take the liberty to use this informal channel but I want to assure you that I am addressing you with the agreement of the Vice-President (who is cooperating on this with [Redacted] and [Redacted]) and the knowledge of the President.

If you have any questions, don't hesitate to call or write.

Best regards,

Redacted


European Commission
Cabinet of Vice President Věra Jourová
Values & Transparency
BERL 11/173
B-1049 Brussels/Belgium
Tel.: [Redacted]
Mobile: [Redacted]

Pressure to change content moderation rules related to COVID-19 vaccines came from the highest levels of the European Commission.

Throughout the European Commission’s censorship campaign, the countless Disinformation Code, Hate Speech Code, and EU Internet Forum meetings provided more than 100 opportunities for the European Commission to pressure platforms to modify their content moderation policies and identify which online narratives on vaccines and other important political topics should be censored.²⁴ For example, on over a dozen occasions over the course of just three years, the European Commission used the Disinformation Code Crisis Response Subgroup meetings to press platforms, such as YouTube and TikTok, on their “new developments *and actions* related to fighting disinformation,” specifically referencing “policy changes.”²⁵

AGENDA	
MEETING OF THE PERMANENT TASK-FORCE CRISIS RESPONSE SUBGROUP	
14 December	
16:30 – 18:00	
1. Opening and Welcoming remarks	
2. Sharing of new developments and actions taken related to fighting disinformation	
a. War in Ukraine: Disinformation narratives, e.g. about Russian bombing of Ukrainian civilian energy infrastructure, on sanctions in connection with the energy crisis, inflation and food shortages in developing countries.	
b. Public Health and Pandemic: Disinformation narratives related to COVID-19 and new actions taken by signatories to limit such disinformation (including any policy changes)	
<i>Wherever possible, please share input ahead of the meeting in writing to keep the discussion round efficient and concentrate in the oral interventions on new developments and priority issues, in particular new policy changes and latest developments on trends and narratives.</i>	
3. Discussion: Signatories future plans for actions and policies to fight Covid-19 misinformation and disinformation	
4. Information Point: Final crisis reporting template adopted	
5. Any other business	

A characteristic agenda for meetings between the European Commission, platforms, and NGOs where the Commission applied pressure to change content moderation policies.

²⁴ See *infra* Sec. III.

²⁵ See, e.g., Agenda: Meeting of the Permanent Task-Force Crisis Response Subgroup (Dec. 14, 2023), *see* Ex. 196 (emphasis added).

The pressure on platforms to comply with Europe's censorship demands only intensified once the DSA was signed into law in October 2022. The European Commission warned platforms that they needed to change their global content moderation rules to comply with the DSA, or else risk fines up to six percent of global revenue and a possible ban from the European market.²⁶

This decade-long pressure campaign was successful: platforms changed their content moderation rules and censored speech worldwide in direct response to the DSA and European Commission pressure. For example, in 2023, TikTok began editing its global Community Guidelines for the express purpose of “achiev[ing] compliance with the Digital Services Act.”²⁷

Community Guidelines Survey

Product Policy Survey

Survey Overview

Our [HYPERLINK "<https://www.tiktok.com/community-guidelines/en/>" \h] (CGs) establish a set of norms and common code of conduct that provide for a safe and welcoming space for everyone. The primary motivation for the next round of CG updates is to achieve compliance with the Digital Services Act (DSA) and ensure every enforcement action we take is incorporated transparently into the CGs. We are hoping to do a smaller CG update in Q4 2023 and a larger update by the end of H1 2024 (dates to be confirmed with relevant xfn and leadership). Please let us know what you think we should include in the next round of CG updates by Friday, July 7th.

TikTok made changes to its global Community Guidelines in order to comply with the DSA.

These new censorship rules went into effect in 2024. In response to the European Commission's decade-long censorship campaign, TikTok instituted new rules censoring “marginalizing speech,” including “coded statements” that “normalize inequitable treatment,” “misinformation that undermines public trust,” “media presented out of context” and “misrepresent[ed] authoritative information.”²⁸ These standards are inherently subjective and easily weaponized against the European Commission's political opposition. In fact, these internal documents show that TikTok systematically censored *true information* around the world to comply with the European Commission's censorship demands under the DSA. The document outlining these changes confirmed that, as “advised by the legal team,” the updates were “mainly related to compliance with the Digital Services Act (DSA).”²⁹

²⁶ Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and Amending Directive 2000/31/EC (Digital Services Act), 2022 O.J. (L 277) Art. 36, 52 (hereinafter “Digital Services Act”).

²⁷ TikTok Community Guidelines Survey, *see* Ex. 15.

²⁸ TikTok Community Guidelines Update Executive Summary (Mar. 20, 2024), *see* Ex. 8.

²⁹ *Id.* (emphasis in original).

[H1 2024 Update - Executive Summary] TikTok Community Guidelines

Authored by: [REDACTED] / Last updated: March 20, 2024

Please refer to the final copy for publishing here:

[HYPERLINK]

Executive Summary

To help ensure a safe, trustworthy, and vibrant experience, we maintain a set of Community Guidelines (CG) that include rules and standards for using TikTok. We evolve them to address emerging risks and potential harms that may occur from new behaviors. We last updated the CGs in [HYPERLINK]

There is an update to the CGs that will launch on **April 17, 2024**, with an effective date of **May 17, 2024**. This update, which was advised by the legal team, is mainly related to compliance with the **Digital Services Act (DSA)**, and will ensure that all policies are transparently reflected in the CGs.

Key Changes

new

A) New Policies (launched since the last CG update)

1. **Marginalizing Speech and Behavior:** Addresses content that uses coded statements to indirectly demean protected groups or normalize their inequitable treatment (result = FYF Ineligible)
2. **Election Misconduct:** Addresses content that encourages interference of, illegal participation in, or calls to disrupt a legitimate outcome of an election, such as through a coup (Result = Remove)
3. **Civic Harm Misinformation:** Addresses misinformation that undermines public trust in the integrity of the democratic process (Result = FYF Ineligible)
4. **Hacked Materials:** Addresses content related to the distribution of confidential information obtained without consent and shared with the public (Result = Remove)
5. **Moderate Harm Misinformation:** Addresses a range of content, including misinfo on treating moderate illnesses, media presented out of context to mislead on topics of public importance, and misrepresenting authoritative information, such as scientific data (Result = FYF Ineligible)

In response to European Commission pressure, TikTok modified its global Community Guidelines to censor true information and directly affecting American speech in the United States.

Documents indicate that these may not have been the only content moderation changes instituted in response to the DSA, either. During a presentation to the European Commission in July 2023, TikTok noted that “units with day-to-day activities overlapping the DSA, like Trust & Safety . . . [were] given new policies, rules, & [standard operating procedures]” to comply with the DSA.³⁰ These internal documents suggest that TikTok changed significant portions of its extensive content moderation systems to comply with the European Commission’s demands.

The European Commission’s focus on global content moderation rules remains: in May 2025, the European Commission explicitly told platforms at a closed-door “DSA Workshop” that “continuous review of [global] community guidelines” was a best practice for compliance with the DSA.³¹

European Commission - DSA Systemic Risk Assessment Workshop Readout

May 7, 2025

- A summary of EC-provided takeaways from the two sessions:
 - Illegal content is a symptom, a broader risk approach is needed
 - Need for a holistic approach to assessing platform design, policies, etc
 - Best practices: Labelling of harmful content; blacklisted URLs, continuous review of community guidelines, banned keyword lists, coded language, kindness reminders, recommender systems not only based on engagement, labelling

The European Commission’s “best practices” for DSA compliance includes “continuous” changes to global content moderation rules.

The European Commission is specifically focused on censorship of U.S. content.

Not only did the European Commission harm American speech in the United States by pressuring platforms to change their global content moderation policies, but it also specifically sought to censor American content.

This, too, began during the COVID-19 pandemic. In November 2021, the European Commission requested information about how TikTok planned to “fight disinformation about the covid 19 vaccination campaign for children starting in the US,” inquiring specifically about TikTok’s plans to “remove” certain “claims” about the efficacy of the COVID-19 vaccine in children.³²

³⁰ TikTok Slide Deck: *Digital Services Act, Readiness overview for the European Commission* (July 17, 2023), see Ex. 3.

³¹ European Commission - DSA Systemic Risk Assessment Workshop Readout (May 7, 2025), see Ex. 206.

³² Emails between TikTok staff and European Commission staff (Nov. 5, 2021), see Ex. 58.

A year later, European Commission regulators pressured platforms to remove an American documentary film about vaccines, demanding that YouTube, Twitter, and TikTok “check . . . internally” and respond “in writing” why the film had not been censored.³³ YouTube responded to the European Commission promptly, stating that it “removed” the film in question after the European Commission raised the issue.³⁴ Put plainly, the European Commission treated American debates around vaccination as within scope of the European Commission’s regulatory authority.

On Fri, Nov 5, 2021, 9:09 AM Redacted @ec.europa.eu wrote:

Thanks Redacted! No worries about yesterday, actually it seems that the process may be going in the right direction, what do you think?

On my question below, it is more related to the latest news from FB in particular (<https://about.fb.com/news/2021/10/supporting-covid-19-vaccine-children/>), about updating their policies to include options to remove claims that argue that vaccine for covid does not exist for children, that vaccines are unsafe and so on and so forth.

On Thu, Nov 4, 2021, 7:03 PM Redacted @ec.europa.eu wrote:

Dear Redacted,

How are you? Nice to see you today at the meeting. I just have a quick question: I see that some platforms are putting in place some measures to fight disinformation about the covid 19 vaccination campaign for children starting in the US.

Would you have some heads up if tiktok is planning to do the same or has something already planned? I don't seem to be able to find something on your public announcements.

European Commission regulators urged TikTok to censor U.S. claims about COVID-19 vaccines for children.

The European Commission’s focus on American speech was not limited to only COVID-19-related content, either. Political appointees at the highest levels of the European Commission pressured TikTok to more aggressively censor U.S. content ahead of the 2024 U.S. presidential election.

³³ Emails between European Commission staff and Code of Practice on Disinformation Signatories (Dec. 8, 2022), *see* Ex. 96.

³⁴ *Id.*

Most infamously, then-EU Commissioner for Internal Market Thierry Breton sent a letter to X owner Elon Musk in August 2024 ahead of Musk's interview with President Donald Trump.³⁵ Breton threatened X with regulatory retaliation under the DSA for hosting a live interview with President Trump in the United States, warning that "spillovers" of U.S. speech into the EU could spur the Commission to adopt retaliatory "measures" against X under the DSA.³⁶ Breton threatened that the European Commission "[would] not hesitate to make full use of [its] toolbox" to silence this core American political speech.³⁷ In response to Breton's threats, the Committee sent two letters outlining how his threats undermined free speech in the United States and constituted election meddling in the American presidential election.³⁸ Shortly thereafter, Breton resigned.³⁹



Former EU Commissioner Thierry Breton

As you know, formal proceedings are already ongoing against X under the DSA, notably in areas linked to the dissemination of illegal content and the effectiveness of the measures taken to combat disinformation.

As the relevant content is accessible to EU users and being amplified also in our jurisdiction, we cannot exclude potential spillovers in the EU. Therefore, we are monitoring the potential risks in the EU associated with the dissemination of content that may incite violence, hate and racism in conjunction with major political – or societal – events around the world, including debates and interviews in the context of elections.

Let me clarify that any negative effect of illegal content on X in the EU, which could be attributed to the ineffectiveness of the way in which X applies the relevant provisions of the DSA, may be relevant in the context of the ongoing proceedings and of the overall assessment of X's compliance with EU law. This is in line with what has already been done in the recent past, for example in relation to the repercussions and amplification of terrorist content or content that incites violence, hate and racism in the EU, such as in the context of the recent riots in the United Kingdom.

I therefore urge you to promptly ensure the effectiveness of your systems and to report measures taken to my team.

My services and I will be extremely vigilant to any evidence that points to breaches of the DSA and will not hesitate to make full use of our toolbox, including by adopting interim measures, should it be warranted to protect EU citizens from serious harm.

Yours sincerely,

Thierry Breton

Commissioner Breton's August 2024 letter to Elon Musk warned that the European Commission would "make full use of [its] toolbox" if X failed to adequately censor Musk's interview with President Trump.

The European Commission sought to minimize Breton's letter to Musk as an unapproved freelance from a rogue Commissioner acting alone.⁴⁰ But months before Commissioner Breton's

³⁵ Letter from Mr. Thierry Breton, Comm'r for Internal Market, European Comm'n, to Mr. Elon Musk, Owner, X Corp. (Aug. 12, 2024).

³⁶ *Id.*

³⁷ *Id.*

³⁸ Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Mr. Thierry Breton, Comm'r for Internal Market, European Comm'n (Aug. 15, 2024); Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Mr. Thierry Breton, Comm'r for Internal Market, European Comm'n (Sept. 10, 2024).

³⁹ See Lorne Cook, *A French Member of the European Commission Resigns and Criticizes President von der Leyen*, AP (Sep. 16, 2024).

⁴⁰ See Bradford Betz, *EU regulator wasn't cleared to warn Musk against amplifying 'harmful content' with Trump X interview: report*, FOX BUSINESS (Aug. 13, 2024).

letter, other senior European Commission officials were similarly pressing Big Tech executives for more information on how they planned to moderate election-related speech ahead of the 2024 U.S. presidential election.

In May 2024, European Commission Vice President Jourova traveled to California to meet with major tech platforms. During this trip, Jourova met with TikTok CEO Shou Chew and TikTok's Head of Trust and Safety to discuss topics including "election preparations."⁴¹ TikTok sought confirmation on whether the European Commission Vice President was traveling all the way to California to have a meeting that "stay[ed] mostly EU focused," or whether she wanted to discuss "both EU and US election preparations."⁴² The European Commission confirmed that Vice President Jourova wanted to discuss "both."⁴³



Former EU Vice President
Vera Jourova

From: [Redacted] ec.europa.eu>
Date: Fri, May 17, 2024, 5:59 PM
Subject: [External] Re: Meeting request - EU VP Jourova / CEO Shou - Los Angeles 28-29 May 2024
To: [Redacted] tiktok.com>
Cc: [Redacted] ec.europa.eu>,
[Redacted]
[Redacted] ec.europa.eu>, [Redacted]
[Redacted] ec.europa.eu>
Thank you.

See below in your email.

1. Is the VP interested in discussing both EU and US election preparations, or to stay mostly EU focused?

We are interested in both. Are there big differences in your approach?

European Commission Vice President Vera Jourova asked to discuss "US election preparations" with TikTok ahead of the 2024 U.S. presidential election.

⁴¹ Emails between TikTok staff and European Commission staff (May 28, 2024), *see* Ex. 27.

⁴² *Id.*

⁴³ *Id.*

The European Commission regularly interferes in EU Member State national elections.

The European Commission works to influence EU Member States by controlling political speech during election periods. Most strikingly, the European Commission issued DSA Election Guidelines in 2024 requiring platforms to take additional censorship steps ahead of major European elections, such as:

- “Updating and refining policies, practices, and algorithms” to comply with EU censorship demands;
- Complying with “best practices” outlined in the Disinformation Code, the Hate Speech Code, and EUIF documents;
- “Establishing measures to reduce the prominence of disinformation”;
- “Adapt[ing] their **terms and conditions** . . . to significantly decrease the reach and impact of generative AI content that depicts disinformation or misinformation”;
- “Label[ing]” posts deemed to be “disinformation” by government-approved, left-wing fact-checkers;
- “Developing and applying inoculation measures that pre-emptively build resilience against possible and expected disinformation narratives”;⁴⁴ and
- Taking additional steps to stop “gendered disinformation.”⁴⁵

These DSA Election Guidelines were branded as voluntary best practices.⁴⁶ But behind closed doors, the European Commission made clear that the Election Guidelines were obligatory. Prabhat Agarwal, the head of the Commission’s DSA enforcement unit, described the Guidelines as a floor for DSA compliance, telling platforms that if they deviated from the best practices, they would need to “have alternative measures that are equal or better.”⁴⁷

Moreover, the European Commission’s election censorship mandates likely had extraterritorial effects. For example, companies disclose in mandatory reports to the European

⁴⁴ U.S. agencies used this tactic before the 2020 presidential election to cast a true story about Biden family influence peddling as Russian disinformation. As a result, Big Tech censored the true story in the weeks preceding the election. *See STAFF OF THE H. COMM. ON THE JUDICIARY AND THE SELECT SUBCOMM. ON THE WEAPONIZATION OF THE FED. GOV’T OF THE H. COMM. ON THE JUDICIARY, 118TH CONG., ELECTION INTERFERENCE: HOW THE FBI “PREBUNKED” A TRUE STORY ABOUT THE BIDEN FAMILY’S CORRUPTION IN ADVANCE OF THE 2020 PRESIDENTIAL ELECTION* (Comm. Print Oct. 30, 2024).

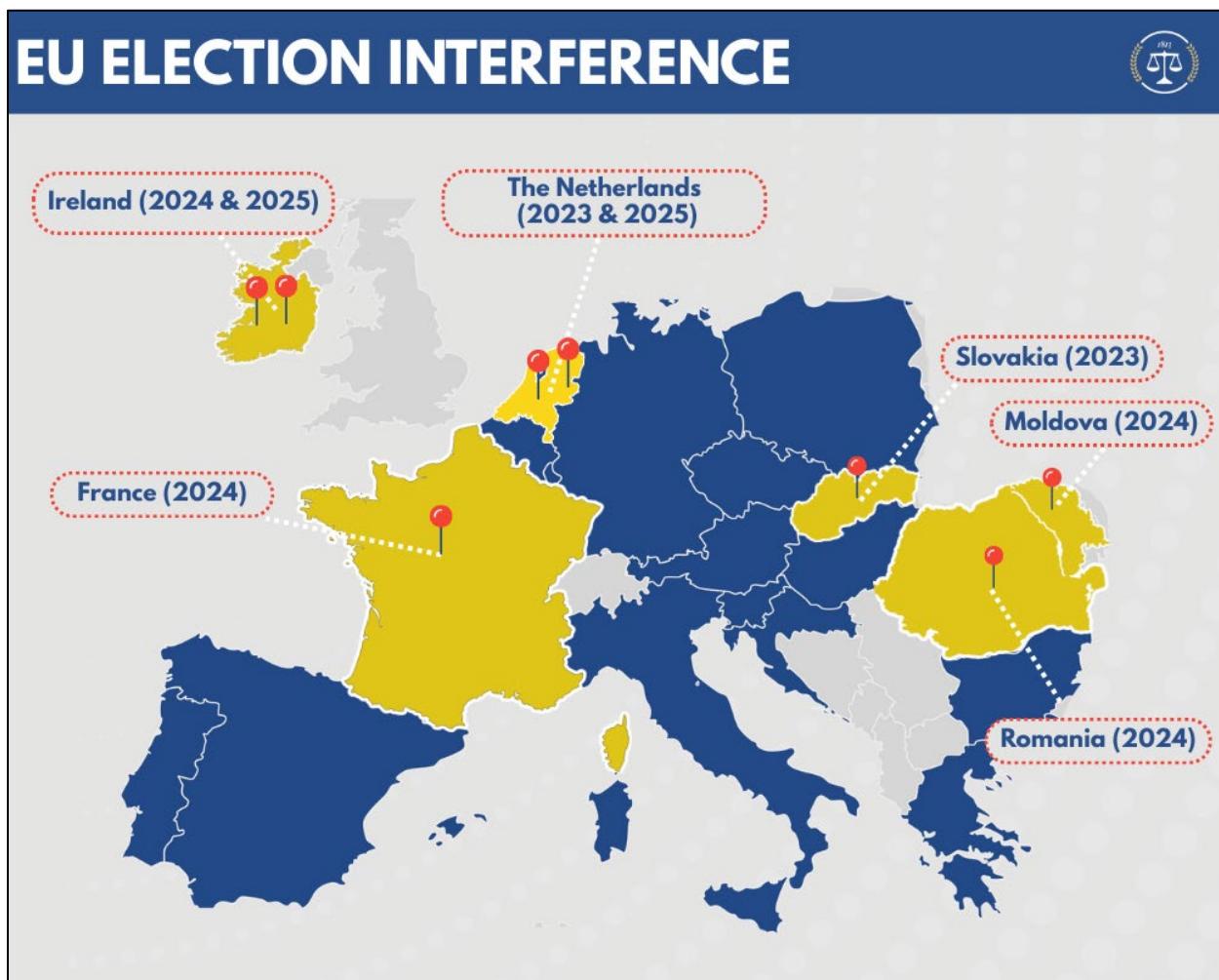
⁴⁵ Commission Guidelines for providers of Very Large Online Platforms and Very Large Online Search Engines on the mitigation of systemic risks for electoral processes pursuant to Article 35(3) of Regulation (EU) 2022/2065, No. C/2024/3014 (Apr. 26, 2024) (hereinafter “DSA Election Guidelines”) (emphasis in original).

⁴⁶ *Id.*

⁴⁷ Internal Meta readout of Roundtable on DSA Elections Guidelines (Mar. 1, 2024), *see* Ex. 243.

Commission the company’s standard election-related “policies, tools, and processes.”⁴⁸ The European Commission regularly engages with large social media platforms on what election-related changes should be made, and hosts DSA-related discussions in non-EU countries.⁴⁹

Since the DSA came into force in 2023, the European Commission has pressured platforms to censor content ahead of national elections in Slovakia, the Netherlands, France, Moldova, Romania, and Ireland, in addition to the EU elections in June 2024.⁵⁰ Nonpublic documents produced to the Committee pursuant to subpoena demonstrate how the European Commission regularly pressured platforms ahead of EU Member State national elections in order to disadvantage conservative or populist political parties.



Nonpublic meeting agendas and readouts show that the European Commission regularly convened meetings of national-level regulators, left-wing NGOs, and platforms prior to elections

⁴⁸ See, e.g., *id.*; Email from Meta to European Commission (July 10, 2024), *see* Ex.166.

⁴⁹ See, e.g., Email from Meta to European Commission (July 10, 2024), *see* Ex.166; Agenda for the *11th Meeting of the EU Support Hub for International Security and Border Management in Moldova on “Countering Foreign Information Manipulation and Interference”* (Sep. 18, 2024), *see* Ex. 251.

⁵⁰ See *infra* Sec. V.B.iv.

to discuss which political opinions should be censored.⁵¹ The European Commission also helped to organize “rapid response systems” where government-approved third parties were empowered to make priority censorship requests that almost exclusively targeted the ruling party’s opposition.⁵² TikTok reported to the European Commission that it censored over 45,000 pieces of alleged “misinformation,” including clear political speech on topics including “migration, climate change, security and defence and LGBTQ rights,” ahead of the 2024 EU elections.⁵³

The 2023 Slovak election is one key example. TikTok’s internal content moderation guides show that TikTok censored the following “hate speech” while facing European censorship pressure:

- “There are only two genders”;
- “Children cannot be trans”;
- “We need to stop the sexualization of young people/children”;
- “I think that LGBTI ideology, gender ideology, transgender ideology are a big threat to Slovakia, just like corruption”; and
- “Targeted misgendering.”⁵⁴

These statements are not “hate speech”—they are political opinions about a current contentious scientific and medical issue. TikTok itself noted that some of these political opinions were “common in the Slovak political discussions.”⁵⁵ Yet, under pressure from the European Commission, TikTok censored these claims ahead of Slovakia’s national parliamentary elections.

The European Commission took its most aggressive censorship steps during the 2024 Romanian presidential election. In December 2024, Romania’s Constitutional Court annulled the results of the first round of the previous month’s presidential election, won by little-known independent populist candidate Calin Georgescu, after Romanian intelligence services alleged that Russia had covertly supported Georgescu through a coordinated TikTok campaign.⁵⁶ Internal TikTok documents produced to the Committee seem to undercut this narrative.⁵⁷ In submissions to the European Commission, which used the unproven allegation of Russian interference to investigate TikTok’s content moderation practices, TikTok stated that it “ha[d] not found, nor been presented with, any evidence of a coordinated network of 25,000 accounts associated with Mr. Georgescu’s campaign”—the key allegation by the intelligence authorities.⁵⁸

⁵¹ See *infra* Sec. V.B.

⁵² *Id.*

⁵³ TikTok 2024 European Parliament Elections Confidential Report (Sept. 24, 2024), *see* Ex. 253.

⁵⁴ TikTok Internal Content Moderation Guidelines for 2023 Slovak Election (Sept. 22, 2023), *see* Ex. 224.

⁵⁵ *Id.*

⁵⁶ See Thomas Grove & Alan Cullison, *Romania Scraps Election After Russian Influence Allegations*, WALL. ST. J. (Dec. 6, 2024).

⁵⁷ See, e.g., TikTok Response to Commission RFI (Dec. 13, 2024), Ex. 268; TikTok Response to Commission RFI (Dec. 7, 2024), Ex. 266.

⁵⁸ TikTok Response to Commission RFI (Dec. 7, 2024), *see* Ex. 266.

By late December 2024, media reports citing evidence from Romania's tax authority found that the alleged Russian interference campaign had, in fact, been funded by another Romanian political party.⁵⁹ But the election results were never reinstated, and in May 2025, the establishment-preferred candidate won Romania's presidency in the rescheduled election.⁶⁰

Section 1.1 - Questions and Answers

(1) The Romanian President declassified the information submitted by the Romanian Intelligence Service, the Foreign Intelligence Service and the Ministry of Internal Affairs at the meeting of the Supreme Council for the Defence of the Country on 28 November 2024⁽⁶⁾. These documents contain a number of findings regarding the use made of TikTok in the context of the Presidential elections held on 24 November 2024, including the following:

- The existence of inauthentic coordination on the platform, including through the use of hashtags, to promote one presidential candidate;

3. TikTok understands that this statement ("The existence of inauthentic coordination on the platform, including through the use of hashtags, to promote one presidential candidate") refers to the assertion at paragraph 1.1 of Document SRI I that a: "network of accounts directly associated directly with Călin GEORGESCU's campaign initially consisted of 25,000 accounts on the TikTok platform, which became very active two weeks before the election date".
4. TikTok has not found, nor been presented with, any evidence of a coordinated network of 25,000 accounts associated with Mr Georgescu's campaign. Per TikTok's standard process, TikTok continues to monitor, investigate, and take action on attempts to deceive its community, and TikTok investigates leads that are reported to it.

TikTok informed the European Commission that it had "not found, nor been presented with, any evidence" to support Romanian authorities' key allegation of Russian interference.

The European Commission is continuing to weaponize the DSA to censor content beyond its borders.

After a decade of censorship, the European Commission continues to abandon Europe's historical commitment to free speech.

In December 2025, the European Commission issued its first fine under the Digital Services Act, targeting X for a litany of ridiculous violations in an obviously pretextual attempt to penalize the platform for its defense of free speech.⁶¹ The European Commission fined X €120 million—slightly below the statutory cap of six percent of global revenue—for alleged violations

⁵⁹ See Denis Cenusu, *Romanian liberals orchestrated Georgescu campaign funding, investigation reveals*, BNE INTELLINEWS (Dec. 22, 2024).

⁶⁰ See Sarah Rainsford et al., *Liberal mayor Dan beats nationalist in tense race for Romanian presidency*, BBC (May 19, 2025).

⁶¹ Commission Decision of 5.12.2025 pursuant to Articles 73(1), 73(3) and 74(1) of Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and amending Directive 2000/31/EC (Digital Services Act); Case DSA.100101, DSA.100102 and DSA.100103 – X (formerly Twitter), C(2025) 8630 final; see Ex. 302 (hereinafter "X Decision"); see also House Judiciary GOP (@JudiciaryGOP), X (Jan. 28, 2026, 4:09 PM), <https://x.com/JudiciaryGOP/status/2016619751183724789>.

including “misappropriating” the meaning of blue checkmarks by changing how they were awarded.⁶²

Moreover, despite the European Commission’s protestations that the DSA applies only in the EU,⁶³ its X decision enforced the DSA in an extraterritorial manner. The decision asserts that under the DSA’s researcher access provision, X, an American company, must hand over American data to researchers around the world—all because of a European law.⁶⁴ And the European Commission threatened to ban X in the EU if it does not comply with its censorship demands.⁶⁵ The European Commission’s decision to fine X is chilling in at least two distinct ways: it penalizes X for its global defense of free speech, and it claims the authority to enforce the DSA globally. It is everything the Committee has warned about for well over a year.

4.	Non-Compliance with Article 25(1) of Regulation (EU) 2022/2065	25
4.1.	The legal framework	25
4.2.	The relevant measures put in place by the provider of X	25
4.3.	The Commission’s Preliminary Findings	27
4.3.1.	Misappropriating the historical meaning of the verification checkmarks of Twitter on the X service	27
4.3.2.	Misappropriating the meaning of cross-industry visual standards	33

The European Commission accused X of violating the DSA by “misappropriating” the meaning of a blue checkmark.

Two recent EU initiatives also threaten to worsen the European free speech crisis. Under President von der Leyen’s “Democracy Shield,” the European Commission will create at least two new censorship hubs for regulators and left-wing NGOs to pressure platforms to censor conservative content—the European Center for Democratic Resilience and the European Network of Fact-Checkers.⁶⁶ Under the same proposal, the European Commission is seeking to expand the Disinformation Code to include requirements related to “user verification tools,” which could effectively end anonymity on the internet by requiring users to show identification in order to create an account.⁶⁷ The Commission is also seeking to circumvent normal democratic processes to create a single, expansive definition of illegal “hate speech” across Europe.⁶⁸ This would require every EU member state to adopt the Commission’s definition, which includes conventional political discourse and “memes.”⁶⁹ The European censorship threat shows no signs of abating.

⁶² *Id.*

⁶³ See Letter from Thierry Breton, Comm’r for Internal Market, European Comm’n, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary (Aug. 21, 2024).

⁶⁴ X Decision, *supra* note 61.

⁶⁵ *Id.*

⁶⁶ Joint Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: European Democracy Shield: Empowering Strong and Resilient Democracies, JOIN(2025) 791 final (hereinafter “Democracy Shield Proposal”).

⁶⁷ *Id.* Governments could then compel platforms to produce this information in order to target anonymous speakers with which it disagrees.

⁶⁸ *Union of Equality: LGBTQ+ Equality Strategy 2026-2030*, EUROPEAN COMM’N, COM(2025) 725 final at 6.

⁶⁹ DSA Censorship Report I, *supra* note 3, at 28.

* * *

The Committee is conducting its investigation into foreign censorship laws, regulations, and judicial orders because of the risk they pose to American speech in the United States. The EU's DSA, in particular, represents a grave danger to American freedom of speech online: the European Commission has intentionally pressured technology companies to change their global content moderation policies, and deliberately targeted American speech and elections. The European Commission's extraterritorial actions directly infringe on American sovereignty. The Committee will continue to develop legislative solutions to defend against and effectively counter this existential risk to Americans' most cherished right.

TABLE OF CONTENTS

EXECUTIVE SUMMARY.....	1
TABLE OF CONTENTS	22
I. INVESTIGATIVE HISTORY	24
II. THE DIGITAL SERVICES ACT IS THE CULMINATION OF EUROPE'S DECADE-LONG CAMPAIGN TO CONTROL ONLINE SPEECH.....	26
A. The European Commission launched coercive “codes of practice” on so-called “disinformation” and “hate speech” to bridge the regulatory gap until the comprehensive censorship law, the DSA, was in place.	27
B. Germany led the way with its own comprehensive censorship law in 2017.	28
C. The European Commission treated the Disinformation and Hate Speech Codes as precursors to binding digital censorship legislation, coercing platforms to comply.	29
D. The DSA is the culmination of the European Commission’s campaign to achieve global online narrative control.	34
E. The “voluntary” and “consensus-driven” European censorship regulatory regime is neither voluntary nor consensus-driven.	35
F. Today, the European Commission says explicitly that compliance with the Hate Speech and Disinformation Codes effectively serves as a DSA safe harbor and platforms that do not comply may face retaliation.....	37
III. THE EUROPEAN COMMISSION HAS SUCCESSFULLY PRESSURED PLATFORMS TO CHANGE THEIR GLOBAL CONTENT MODERATION POLICIES, DIRECTLY HARMING AMERICAN SPEECH IN THE UNITED STATES	39
A. Because content moderation policies cannot be feasibly or effectively enforced on a country-by-country basis, they are global in scope.	40
B. The plain text of the Disinformation and Hate Speech Codes require platforms to change their content moderation rules.	42
C. The DSA’s text requires platforms to change their content moderation rules.....	42
D. The European Commission attempted to censor speech questioning prevailing government narratives about COVID-19 and vaccines.	43
E. The European Commission pressured platforms to change their rules for content related to Russia’s invasion of Ukraine.	52
F. Regulators and NGOs frequently pressured platforms to change rules about moderation of misinformation and disinformation in meetings of Disinformation Code signatories.	60
G. Since the passage of the DSA, European Commission regulators have regularly pressured platforms to change their global content moderation rules.....	70
H. Platforms changed their global content moderation rules in response to these European Commission efforts.....	76
IV. THE EUROPEAN COMMISSION’S ATTEMPTS TO CENSOR U.S. SPEECH.	85
A. The European Commission asked platforms to censor U.S. content related to the COVID-19 pandemic.	85
B. The European Commission interfered in the U.S. political process by engaging with platforms about content related to the 2024 U.S. presidential election.	86
V. THE EUROPEAN COMMISSION WEAPONIZES ITS CENSORSHIP TOOLS TO SILENCE CONSERVATIVE AND “ANTI-ESTABLISHMENT” POLITICAL SPEECH.	89

A. The EU Internet Forum encourages platforms to censor legal and non-violative political speech.....	89
B. The European Commission and EU Member State regulators pressure platforms to censor conservative and “anti-establishment” political speech during election periods.....	96
VI. OPPORTUNITIES FOR REFORM EXIST, BUT THE EUROPEAN COMMISSION CONTINUES TO USE THE DSA AS A HEAVY-HANDED CENSORSHIP TOOL.	124
A. The European Commission fined X €120 million for defending free speech and open discourse online.	124
B. The European Commission’s ongoing initiatives indicate that it remains committed to censorship.	134
C. The European Commission seeks to export its censorship measures to other countries. 137	
VII. CONCLUSION.....	139
APPENDIX	140

I. INVESTIGATIVE HISTORY

The Committee on the Judiciary is continuing to investigate how and to what extent foreign laws, regulations, and judicial orders compel, coerce, or influence companies to censor speech in the United States.⁷⁰ The Committee's focus on European efforts to censor speech in the United States began in August 2024, when then-European Union (EU) Commissioner for Internal Market Thierry Breton threatened X with regulatory retaliation under the Digital Services Act (DSA) for hosting a live interview with President Trump in the United States ahead of the 2024 U.S. presidential election.⁷¹ Although Breton subsequently resigned, his replacement, Henna Virkkunen, professes a similar pro-censorship ideology.⁷² To date, Virkkunen continues to support the DSA's censorship provisions and actively enforces the law against American companies.⁷³

To better understand the European threat to free speech in the United States, the Committee issued document subpoenas to ten major technology companies compelling them, in part, to produce communications with regulators from the European Commission and EU Member States related to censorship of online speech.⁷⁴ The Committee documented its initial findings in an interim staff report in July 2025.⁷⁵ The non-public documents produced to the Committee revealed that the DSA is used as a censorship tool that infringes on online speech, including American speech in the United States. Specifically, the documents showed that European regulators use the DSA to: (1) target core political speech that is neither harmful nor

⁷⁰ See DSA Censorship Report I, *supra* note 3; Press Release, H. Comm. on the Judiciary, Chairman Jordan Subpoenas Big Tech for Information on Foreign Censorship of American Speech (Feb. 26, 2025), <https://judiciary.house.gov/media/press-releases/chairmanjordan-subpoenas-big-tech-information-foreign-censorship-american>.

⁷¹ Letter from Mr. Thierry Breton, Comm'r for Internal Market, European Comm'n, to Mr. Elon Musk, Owner, X Corp. (Aug. 12, 2024).

⁷² See, e.g., Pieter Haeck, *EU Won't Negotiate on Tech Rule Books in Trump Trade Talks, Brussels Says*, POLITICO (July 1, 2025) ("The European Union's rules on content moderation, digital competition and artificial intelligence are not up for negotiation with the U.S., the European Commission's tech chief Henna Virkkunen says."); *Confirmation Hearing of Henna Virkkunen, Executive Vice-President-Designate of the European Commission*, Jointly by Comm. on Industry, Rsch., and Energy & Comm. on the Internal Mkt. and Consumer Protection of the European Parliament, Report Hearing, at 13-16 (Nov. 12, 2024).

⁷³ See X Decision, *supra* note 61.

⁷⁴ Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Mr. Timothy Cook, CEO, Apple (Feb. 26, 2025) (attaching subpoena); Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Mr. Andy Jassy, President and CEO, Amazon (Feb. 26, 2025) (attaching subpoena); Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Mr. Satya Nadella, CEO, Microsoft (Feb. 26, 2025) (attaching subpoena); Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Mr. Christopher Pavlovski, Chairman and CEO, Rumble (Feb. 26, 2025) (attaching subpoena); Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Mr. Sundar Pichai, CEO, Alphabet (Feb. 26, 2025) (attaching subpoena); Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Custodian of Records, TikTok (Feb. 26, 2025) (attaching subpoena); Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Ms. Linda Yaccarino, CEO, X (Feb. 26, 2025) (attaching subpoena); Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Mr. Mark Zuckerberg, CEO, Meta (Feb. 26, 2025) (attaching subpoena); Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Mr. Steve Huffman, CEO & President, Reddit (Apr. 17, 2025) (attaching subpoena); Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Mr. Sam Altman, CEO, OpenAI (Nov. 5, 2025) (attaching subpoena).

⁷⁵ DSA Censorship Report I, *supra* note 3.

illegal; and (2) pressure online platforms to change their global content moderation policies in response to European Commission demands.⁷⁶

The documents also revealed how European regulators partner with pro-censorship civil society organizations (CSOs) to achieve their censorship goals.⁷⁷ These organizations advocate for broader definitions of “hate speech” and “disinformation.”⁷⁸ One CSO, Access Now, even claimed during a “DSA Workshop” hosted by the European Commission last year that platforms’ content moderation efforts should “go beyond illegal content and lead to removal of everything that can be considered as hateful and harmful.”⁷⁹ In July 2025, to gain a better understanding of how European regulators interact with third party organizations to censor online speech, the Committee requested and obtained documents from two CSOs, Access Now and the Institute for Strategic Dialogue.⁸⁰

In October 2025, the Committee requested and received documents from Stanford University after discovering that it hosted a September 2025 event in which the censorship regulators from several foreign governments sought to coordinate a global censorship campaign.⁸¹ This was not the first time Stanford engaged in a conspiracy against Americans’ free speech rights: in 2020, the Stanford Internet Observatory played an important role in laundering U.S. government censorship requests to social media platforms, enabling officials in the U.S. government to covertly silence voices they disapproved of to influence the 2020 U.S. presidential election.⁸²

In response to these subpoenas and letters, the Committee has received tens of thousands of pages of nonpublic, internal platform documents and communications with foreign regulators. These documents detail the European Commission’s decade-long campaign to censor the global internet.

⁷⁶ *Id.* at 25–36.

⁷⁷ *Id.* at 29.

⁷⁸ *Id.*

⁷⁹ *Id.* at 61.

⁸⁰ Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Mr. Dixon Osburn, Executive Director, Institute for Strategic Dialogue-US (July 25, 2025); Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary to Mr. Alejandro Mayoral Baños, Executive Director, Access Now (July 25, 2025).

⁸¹ Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Mr. Jeff Hancock, Director, Stanford Cyber Policy Center (Oct. 22, 2025); see Michael Shellenberger, *Obama-Linked Stanford Center Held Secret Meeting with Foreign Governments to Plot Global Internet Censorship*, PUBLIC NEWS (Oct. 28, 2025); Teddy Ganea et al., *Stanford’s Cyber Policy Center Coordinates International Internet Censorship*, THE STANFORD REV. (Oct. 29, 2025).

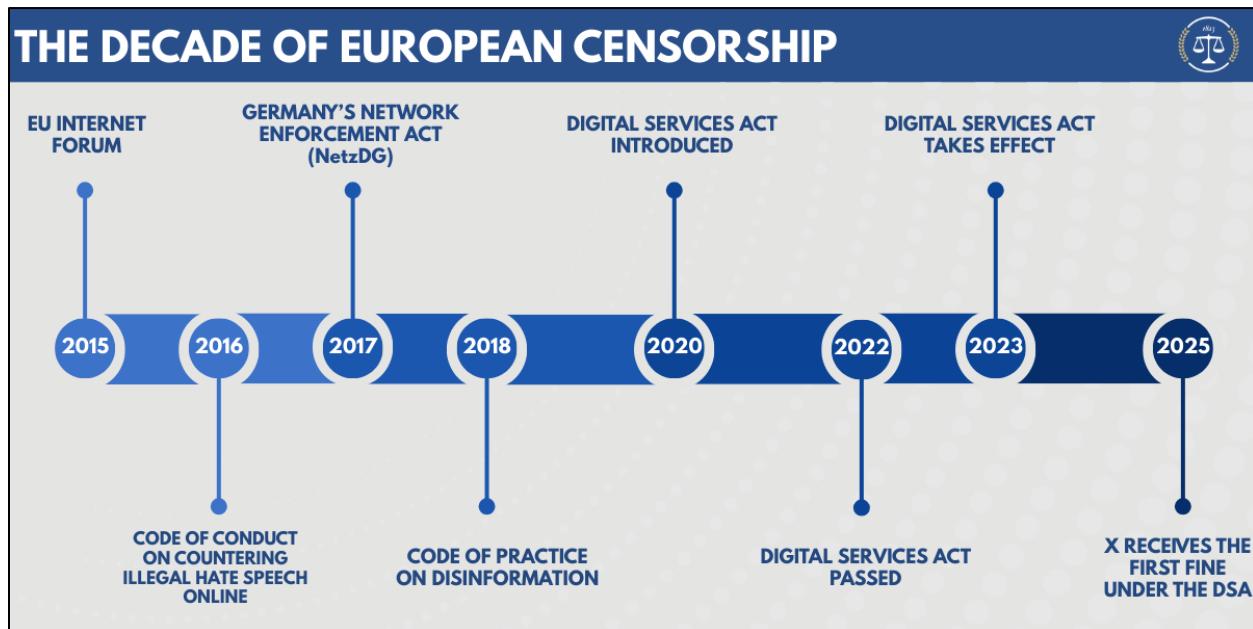
⁸² See STAFF OF THE H. COMM. ON THE JUDICIARY AND THE SELECT SUBCOMM. ON THE WEAPONIZATION OF THE FED. GOV’T OF THE H. COMM. ON THE JUDICIARY, THE WEAPONIZATION OF ‘DISINFORMATION’ PSEUDO-EXPERTS AND BUREAUCRATS: HOW THE FEDERAL GOVERNMENT PARTNERED WITH UNIVERSITIES TO CENSOR AMERICANS’ FREE SPEECH, (Nov. 6, 2023).

II. THE DIGITAL SERVICES ACT IS THE CULMINATION OF EUROPE'S DECADE-LONG CAMPAIGN TO CONTROL ONLINE SPEECH.

The European Union enacted the DSA in 2022, but its surrounding apparatus dates back to the mid-2010s, when social media began to play an increasingly important role in political debate. From the very beginning of the EU's censorship campaign, senior EU leadership envisioned a comprehensive digital censorship law giving the European Commission complete online narrative control. European politicians and regulators were explicit about this objective, particularly when meeting with platforms directly.

European concerns about so-called “hate speech” took shape in the mid-2010s as mass migration overwhelmed the continent, igniting new political debates about multiculturalism, assimilation, and the threat of terrorism.⁸³ The political establishment in the United States and in Europe blamed the election results in the 2016 U.S. presidential election and the 2017 French presidential election on Russian interference, rather than a legitimate backlash from their citizens to unpopular political decisions—most notably mass migration.

Under the pretext of combating so-called “hate speech” or “disinformation,” the European Commission amassed power over online political discourse. Of course, the line between “hate speech” and civil discourse or “misinformation” and truth—particularly in complex, context-dependent political debates—is inherently subjective. Predictably, “hate speech” and “misinformation” became branding tools that European regulators wielded against political speech with which they disagreed or which they felt threatened their power. European policymakers embarked on a decade-long campaign to silence the online speech of their opponents—in Europe and beyond. The DSA was the culmination of this effort.



⁸³ See, e.g., *Austria's Top Justice Official Explains Europe's Approach to Hate Crimes and Hate Speech*, CATHOLIC U. OF AMERICA (Feb. 3, 2015) (noting that recent events “refocused Europe’s attention as never before on the subject of hate speech”); *Facebook, Google, and Twitter agree German hate speech deal*, BBC (Dec. 15, 2015).

A. The European Commission launched coercive “codes of practice” on so-called “disinformation” and “hate speech” to bridge the regulatory gap until the comprehensive censorship law, the DSA, was in place.

In late 2015, the Commission formed the EU Internet Forum (EUIF) to “address[] the misuse of the internet for terrorist purposes.”⁸⁴ Since 2015, however, the EUIF has morphed from a targeted initiative to stop online terrorist recruitment to a broad effort encouraging platforms to censor legal and non-violative political speech.⁸⁵ Specifically, EUIF now advises platforms on how to best censor “borderline content”—that is, lawful content such as “anti-EU” content, “political satire,” “meme[s],” and “populist rhetoric.”⁸⁶

Europe’s efforts to control online discourse expanded in 2016 and 2018 with a pair of “codes of conduct”—supposedly non-binding content moderation pledges from large social media platforms. The Code of Conduct on Countering Illegal Hate Speech Online was unveiled in 2016,⁸⁷ while the Code of Practice on Disinformation was rolled out in 2018.⁸⁸ Under both Codes, platforms promised to censor content disfavored by European regulators. For example, signatories to the Hate Speech Code promised to change their global content moderation rules to bar “hateful conduct,”⁸⁹ while Disinformation Code signatories committed to “dilute the visibility” of alleged “disinformation”—meaning to censor it.⁹⁰

GLOSSARY OF EU CENSORSHIP ACTIVITIES	
European Union Internet Forum (2015)	Launched in December 2015 by the European Commission’s Directorate-General for Migration and Home Affairs, EUIF began as an initiative bringing together law enforcement and social media platforms to stop terrorist recruitment online. ⁹¹ Since then, though, the Commission has used it to aggressively advocate for censorship of legal, non-violative political speech—especially conservative speech, which it often labels as “violent right-wing extremism.” ⁹²

⁸⁴ *European Union Internet Forum*, EUROPEAN COMM’N (July 25, 2025), https://home-affairs.ec.europa.eu/networks/european-union-internet-forum_en.

⁸⁵ See *infra* Sec. V.A.

⁸⁶ See *EU Internet Forum: The Handbook of Borderline Content in Relation to Violent Extremism*, see Ex. 38.

⁸⁷ *The EU Code of Conduct on Countering Illegal Hate Speech Online*, EUROPEAN COMM’N (June 30, 2016), https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/combatting-discrimination/racism-and-xenophobia/eu-code-conduct-countering-illegal-hate-speech-online_en.

⁸⁸ *2018 Code of Practice on Disinformation*, EUROPEAN COMM’N (June 16, 2022), <https://digital-strategy.ec.europa.eu/en/library/2018-code-practice-disinformation>.

⁸⁹ *The EU Code of Conduct on Countering Illegal Hate Speech Online*, EUROPEAN COMM’N (June 30, 2016), https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/combatting-discrimination/racism-and-xenophobia/eu-code-conduct-countering-illegal-hate-speech-online_en.

⁹⁰ *2018 Code of Practice on Disinformation*, EUROPEAN COMM’N (June 16, 2022), <https://digital-strategy.ec.europa.eu/en/library/2018-code-practice-disinformation>.

⁹¹ *European Union Internet Forum*, EUROPEAN COMM’N (July 25, 2025), https://home-affairs.ec.europa.eu/networks/european-union-internet-forum_en.

⁹² See *infra* Sec. V.A.

Code of Conduct on Countering Illegal Hate Speech Online (2016)	Established by the European Commission in May 2016, signatories made 12 commitments, including a promise to censor alleged “hateful conduct.” ⁹³ Signatories included Facebook, Instagram, Microsoft, Snapchat, TikTok, and Twitter (now X). ⁹⁴ The Code was replaced by the Code of Conduct on Countering Illegal Hate Speech Online + in 2025. ⁹⁵
Code of Practice on Disinformation (2018)	Established by the European Commission in 2018 and revised in 2022, signatories made 21 commitments, including a promise to “dilute the visibility” of alleged “disinformation.” ⁹⁶ Platform signatories included Facebook, Google, Microsoft, TikTok and Twitter (now X), although X withdrew in 2023. ⁹⁷ The Commission describes the Code as the world’s first self-regulatory standards for social media disinformation. ⁹⁸

B. Germany led the way with its own comprehensive censorship law in 2017.

Germany was one of the first EU Member States to take action at the national level, passing the Network Enforcement Act (NetzDG), a comprehensive digital censorship law of its own, in 2017. Under NetzDG, upon a user complaint, social media platforms are required to assess the legality of content under “eighteen separate provisions of German criminal law,” including draconian provisions criminalizing standard political speech as hate speech.⁹⁹ Platforms are then required to remove speech deemed illegal within 24 hours.¹⁰⁰ In Facebook’s words, NetzDG created a regime of “when in doubt, delete,” inverting the traditional Western principle that speech is presumptively lawful.¹⁰¹ Academics likewise criticized NetzDG, stating that it “incentivizes ‘overblocking’ which could lead to the removal of lawful speech without due process.”¹⁰² After passage, German courts soon ruled that NetzDG required global removals of content illegal under German law because geo-blocked posts could still be viewed in Germany with a virtual private network (VPN).¹⁰³ These early efforts became the foundation of the burgeoning European campaign to censor online speech worldwide.

⁹³ *The EU Code of Conduct on Countering Illegal Hate Speech Online*, EUROPEAN COMM’N (June 30, 2016), https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/combatting-discrimination/racism-and-xenophobia/eu-code-conduct-countering-illegal-hate-speech-online_en.

⁹⁴ *Id.*

⁹⁵ See Press Release, European Comm’n, Commission Welcomes the Integration of the Revised Code of Conde on Countering Illegal Hate Speech Online into the Digital Services Act (Jan. 19, 2025), https://ec.europa.eu/commission/presscorner/detail/en/ip_25_300.

⁹⁶ *2018 Code of Practice on Disinformation*, EUROPEAN COMM’N (June 16, 2022), <https://digital-strategy.ec.europa.eu/en/library/2018-code-practice-disinformation>.

⁹⁷ *Id.*; Francesca Gillett, *Twitter pulls out of voluntary EU disinformation code*, BBC (May 27, 2023).

⁹⁸ *Id.*

⁹⁹ Imara McMillan, *Enforcement Through the Network: The Network Enforcement Act and Article 10 of the European Convention on Human Rights*, 20 CHIC. J. INT. L. 252, 254 (2019).

¹⁰⁰ *Id.*

¹⁰¹ John Rosenthal, *Make Speech Free Again*, CLAREMONT REV. OF BOOKS (Spring 2025).

¹⁰² Imara McMillan, *Enforcement Through the Network: The Network Enforcement Act and Article 10 of the European Convention on Human Rights*, 20 CHIC. J. INT. L. 252, 252 (2019).

¹⁰³ *Id.* at 265-266.

C. The European Commission treated the Disinformation and Hate Speech Codes as precursors to binding digital censorship legislation, coercing platforms to comply.

The Disinformation and Hate Speech Codes were simply a first step towards binding censorship legislation. As early as 2016, then-EU Commissioner for Justice Vera Jourová said that if platforms did not adequately comply with the terms of the Hate Speech Code, the EU would simply make it binding law: “If Facebook, YouTube, Twitter and Microsoft want to convince me and the ministers that the non-legislative approach can work, they will have to act quickly and make a strong effort in the coming months.”¹⁰⁴ In other words, these “voluntary” Codes were anything but. Platforms knew that at some point, they would have to comply with the EU’s censorship demands under threat of massive penalties. The easiest thing to do was to comply with those demands immediately at the expense of free speech on their platforms.

Indeed, European regulators were already harassing U.S. tech companies on other topics. Fines reaching billions of euros demonstrated the EU’s ability and willingness to punish non-EU tech platforms that declined to comply with its demands. Alphabet, for example, was fined a cumulative €8.2 billion by the Commission between 2017 and 2019 for allegedly favoring Google Shopping in search results,¹⁰⁵ pre-installing Google apps on Google phones,¹⁰⁶ and signing exclusive digital advertising agreements.¹⁰⁷ On top of the knowledge that a binding censorship law was coming, platforms also had to consider the EU’s pre-existing power to target them with massive fines. This created additional pressure for platforms to censor content.

In 2019, incoming European Commission President Ursula von der Leyen proposed “a new Digital Services Act,”¹⁰⁸ which would have “the purpose of “turn[ing] the ‘voluntary’ commitments undertaken under the Codes into legal obligations.”¹⁰⁹

GLOSSARY OF EU CENSORSHIP ACTIVITIES	
Digital Services Act (2022)	The European Union’s comprehensive digital censorship law, introduced in 2020 and passed in 2022, that imposes significant legal obligations on the world’s largest social media companies. ¹¹⁰ The law requires platforms to identify and “mitigat[e]” “systemic risks” on their sites, including “misleading or deceptive content” and “disinformation,” “any actual or foreseeable negative effects on civic discourse and electoral processes,” “hate speech,” and “information which is not illegal.” ¹¹¹ Platforms deemed noncompliant with the DSA can be fined up to six percent of their global revenue and, in some circumstances, banned from the EU. ¹¹²

¹⁰⁴ Liat Clark, *Facebook and Twitter must tackle hate speech or face new laws*, WIRED (Dec. 5, 2016).

¹⁰⁵ Press Release, European Comm’n, Antitrust: Commission fines Google €2.42 billion for abusing dominance as search engine by giving illegal advantage to own comparison shopping service (June 26, 2017).

¹⁰⁶ Foo Yun Chee, *Google challenges record \$5 billion EU antitrust fine*, REUTERS (Oct. 9, 2018).

¹⁰⁷ Press Release, European Comm’n, Antitrust: Commission fines Google €1.49 billion for abusive practices in online advertising (Mar. 19, 2019), https://ec.europa.eu/commission/presscorner/detail/en/ip_19_1770.

¹⁰⁸ Ursula von der Leyen, *A Union that strives for more: My agenda for Europe* (2019).

¹⁰⁹ John Rosenthal, *Make Speech Free Again*, CLAREMONT REV. OF BOOKS (Spring 2025).

¹¹⁰ Digital Services Act, *supra* note 26.

¹¹¹ *Id.* at recitals 80, 84, Arts. 34–35.

¹¹² *Id.* at Art. 36, 52.

By June 2020, seven months into President von der Leyen’s tenure, the European Commission requested comment from tech platforms and other stakeholders on the development of legislation to address so-called “disinformation” online, which eventually became the DSA.¹¹³ TikTok expressed concerns that a stringent DSA could result in “over blocking” of content.¹¹⁴ Yet even before the DSA’s formal introduction, the European Commission already discussed the law as a *fait accompli*. In one November 2020 meeting, a Commission staffer stated matter-of-factly to TikTok that “the DSA **will** provide general transparency provisions” and follow in the footsteps of the Codes.¹¹⁵

From:	Redacted (CAB-JOUROVA)
Sent:	mardi 12 janvier 2021 10:54
To:	CAB JOUROVA ARCHIVES
Cc:	Redacted (CAB-JOUROVA)
Subject:	Flash report- meeting with Tik-Tok 6 November 2020

TT is setting up a network of fact-checkers and would like to discover what are the more precise transparency requirements.

■■■ replied that our June Communication was a good test, the DSA will provide general transparency provisions and this should be developed in the follow up to the Code. EDMO could be a useful umbrella for fact-checking.

European Commission regulators discussed the DSA as a foregone conclusion before draft text was even publicly released.

The European Commission treated the Disinformation and Hate Speech Codes as simply a precursor to the binding DSA. For example, in December 2020, shortly before the draft DSA text was released, media reports indicated that the Commission planned to “beef up” the Code of Practice on Disinformation to “plug the gap until the DSA comes into force.”¹¹⁶ Jourová, by this point promoted to Vice President of the Commission for Values and Transparency, publicly stated that this more aggressive Disinformation Code was intended to “support the vaccine strategy by an efficient fight against disinformation,” indicating that political speech about COVID-19 vaccine policy was the target of the European Commission’s censorship.¹¹⁷ Jourová warned that the European Commission expected rapid censorship action, saying that “we are not going to wait . . . we already have a very clear agreement with the platforms that they will continue” the censorship measures they initiated in response to the Codes.¹¹⁸

Throughout 2021, the European Commission met with the platforms directly to repeat the same message: the Disinformation and Hate Speech Codes were a precursor for the DSA, the

¹¹³ Natasha Lomas, *Europe Asks for Views on Platform Governance and Competition Tools*, TECHCRUNCH (June 2, 2020).

¹¹⁴ *TikTok White Paper: The Digital Services Act*, see Ex. 12.

¹¹⁵ Readout of meeting between TikTok and Staff to European Commission Vice President Vera Jourová (Nov. 6, 2020), see Ex. 51 (emphasis added).

¹¹⁶ Natasha Lomas, *Europe to put forward rules for political ads transparency and beef up its disinformation code next year*, TECHCRUNCH (Dec. 3, 2020).

¹¹⁷ *Id.*; see also *infra* Sec. III.D.

¹¹⁸ *Id.*

passage of which was a foregone conclusion. In an April 2021 meeting with Interim TikTok CEO Vanessa Pappas, Vice President Jourova's staff called the Disinformation Code "a bridge to legislation."¹¹⁹ The staffer also clarified what these censorship obligations were, stating that "content moderation is important."¹²⁰

Meeting conclusions	
Participants	<p><u>Visitors' delegation:</u></p> <ul style="list-style-type: none">• Vanessa Pappas, Interim CEO, TikTok• Redacted TikTok Brussels <p><u>COM:</u></p> <ul style="list-style-type: none">• Věra Jourová, Vice-President for values and transparency• Redacted• Redacted• Redacted
<p><i>On the fight against disinformation</i></p> <ul style="list-style-type: none">• VP Jourová stressed the need to step up the fight against disinformation, notably against vaccines. Though the code of practice on disinformation has yielded results, it does not cover all the market actors and has its limits as a self-regulatory arrangement. The Digital Services Act will fill this regulatory gap.• The code, Redacted added, will remain important even after the adoption of these initiatives, as a bridge to legislation. It brings together companies with the community of civil society and institutions, which is a real added value. Work must continue with outside experts and in all languages. While content moderation is important, there needs to be focus on the algorithms and	

European Commission Vice President Jourova and her staff cast the Disinformation Code as a precursor to the DSA that circumvented the legislative process.

One month later, in May 2021, the European Commission formally began the process of drafting an updated Disinformation Code with the stated goal of "evolving the existing Code of Practice towards a co-regulatory instrument foreseen under the Digital Services Act (DSA)."¹²¹ The European Commission reinforced this message in a July 2021 presentation at "[t]he ninth EU High level group on combating racism, xenophobia and other forms of intolerance," stating that the Disinformation and Hate Speech Codes would "be supervised by the [European] Commission and the board" and "[could] serve as compliance measures" for the upcoming DSA.¹²²

¹¹⁹ Readout of meeting between TikTok and European Commission Vice President Vera Jourova (Apr. 20, 2021), *see* Ex. 55. Pappas served as interim CEO of TikTok until late April 2021, when she was succeeded by Shou Chew. *See* Todd Spangler, *TikTok Names New CEO and Chief Operating Officer*, VARIETY (Apr. 30, 2021).

¹²⁰ *Id.*

¹²¹ *Guidance on strengthening the Code of Practice on Disinformation*, EUROPEAN COMM'N, <https://digital-strategy.ec.europa.eu/en/policies/qa-code-practice-disinformation> (last accessed Jan. 29, 2026).

¹²² European Commission Slide Deck: *The ninth EU High level group on combatting racism, xenophobia and other forms of intolerance* (July 7, 2021), *see* Ex. 42.

Co-regulatory framework

Codes of Conduct
Art 35

- Codes of conduct to be supervised by the Commission and the Board
- Can serve as compliance measures to fulfill the obligations under Article 27.

The European Commission emphasized in a presentation to platforms that compliance with the Hate Speech and Disinformation Codes was “supervised” and could serve as a safe harbor against DSA enforcement.

During the process of rewriting both the Hate Speech Code and the Disinformation Code, the European Commission sought to add language to clarify that they were *de facto* binding. In October 2021, the European Commission proposed adding language to the Disinformation Code stating that platforms should “adhere and comply” to the Code to comply with the DSA.¹²³ Ultimately, the updated Disinformation Code would state that compliance “should be considered as a possible risk mitigation measure under Article 35 of the DSA.”¹²⁴

Similarly, during the 2023 rewrite of the Hate Speech Code, the European Commission removed draft language about platforms “apply[ing] best efforts” to implement transparency requirements, replacing it with language saying platforms “commit” to the requirements.¹²⁵ The European Commission also removed a draft sentence emphasizing the “voluntary nature” of the code and acknowledging the “freedom of interested parties to decide whether or not to participate.”¹²⁶ These edits, along with the European Commission’s rhetoric in meetings with the platforms, show that the European Commission wanted to make both Codes mandatory and binding.

3.3 Beyond the monitoring on the review of notices under 2.3, for the purpose of the monitoring exercise and the transparency reporting under the DSA referred to in 3.1, the Signatories will commit to provide ~~apply~~ best efforts to provide additional meaningful and comprehensible information on the measures taken to address illegal hate speech as a result of their content moderation policies based on a structured set of guiding questions (Annex YY).

Commented [A6]: Code text indeed needs to be ambitious and “best efforts” sounds slightly weaker. The Annex YY will define what additional information will be.

The European Commission’s edits and comment on a draft of the revised Hate Speech Code show that it views the commitments as binding.

By early 2022, the European Parliament was in advanced negotiations over the final provisions of the DSA.¹²⁷ It was becoming clearer both behind closed doors and in public that

¹²³ Draft EU Code of Practice on Disinformation, *see* Ex. 197; *see* Email from European Commission staff to Code of Practice on Disinformation Signatories (Oct. 14, 2021), Ex. 56.

¹²⁴ *Code of Conduct on Disinformation*, EUROPEAN COMM’N (Feb. 2025), Preamble (L) (hereinafter “Disinformation Code”).

¹²⁵ Draft Code of Conduct (+) on Countering Illegal Hate Speech Online, *see* Ex. 45.

¹²⁶ Draft Code of Conduct (+) on Countering Illegal Hate Speech Online (Mar. 18, 2023), *see* Ex. 43.

¹²⁷ *See* Press Release, Council of the European Union, Digital Services Act: Council and European Parliament provisional agreement for making the internet a safer space for European citizens (Apr. 23, 2022), <https://www.consilium.europa.eu/en/press/press-releases/2022/04/23/digital-services-act-council-and-european-parliament-reach-deal-on-a-safer-online-space/>.

the Hate Speech and Disinformation Codes were effectively a playbook for DSA compliance. In January 2022, during a meeting of signatories of the Disinformation Code, the Commission stated that the Disinformation Code “is a mean [sic] for addressing systemic risks on online platforms,”¹²⁸ mirroring the language at the core of the DSA.¹²⁹ Given the lack of alternative guidance on how to comply with the DSA’s vague provisions, platforms were left little choice but to implement the Disinformation Code’s censorship requirements.¹³⁰

- Regarding the progress on the DSA, the Commission recalled that the European Parliament endorsed the DSA and trialogues are about to start on Monday 31/01. The Code of Conduct on disinformation is a mean for addressing systemic risks on online platforms. There is a clear call for a co-regulation approach for tackling disinformation.

The European Commission called compliance with the Disinformation Code a way to “address[] systemic risks” in accordance with the DSA.

The Council of the European Union and the European Parliament—the two legislative arms of the EU—made a “provisional agreement” to approve the DSA in April 2022.¹³¹ By this point, the Commission was publicly stating that the Disinformation Code was essentially mandatory. In June 2022, the Commission tweeted that “the Code of Practice on Disinformation will be backed up by the Digital Services Act, which means that companies that don’t comply face fines of up to 6% of global turnover.”¹³² The European Commission’s effort to make the “voluntary” Disinformation and Hate Speech Codes mandatory succeeded. And under the DSA, platforms that refused to engage in the censorship required by the Hate Speech and Disinformation Codes would be subject to massive fines.



¹²⁸ New Code of Practice on Disinformation: Minutes of the 4th General Assembly of the Signatories (Jan. 28, 2022), *see* Ex. 61.

¹²⁹ Digital Services Act, *supra* note 26, Art. 34-35.

¹³⁰ *See generally* Internal emails among Google staff (June 22, 2023), *see* Ex. 2.

¹³¹ Press Release, Council of the European Union, Digital Services Act: Council and European Parliament provisional agreement for making the internet a safer space for European citizens (Apr. 23, 2022), <https://www.consilium.europa.eu/en/press/press-releases/2022/04/23/digital-services-act-council-and-european-parliament-reach-deal-on-a-safer-online-space/>.

¹³² European Commission (@EU_Commission), X (June 16, 2022, 7:09 AM), https://x.com/EU_Commission/status/1537391801182699521.

D. The DSA is the culmination of the European Commission's campaign to achieve global online narrative control.

The Hate Speech and Disinformation Codes were the precursor to the formally binding digital censorship requirements under the DSA. European Commission officials have repeatedly confirmed as much. Prabhat Agarwal, the European Commission's top career official responsible for implementing the DSA, said during a March 2024 event that the Hate Speech and Disinformation Codes were intended to inflict "reputational damage" on platforms that were not censoring enough content to placate the European Commission.¹³³ The DSA, he said, gave regulators something even better: "the law," meaning binding censorship obligations.¹³⁴ The Hate Speech and Disinformation Codes were the first step in granting the European Commission a say in platform content moderation. The DSA amounted to a complete takeover.

Prabhat Agarwal :

- We adopted a strong legislation in a small amount of time and it's important to recognise this effort. We didn't foresee most of the harm that are appearing these days. Deepfakes was added during the negotiations, as well as the emphasis on harms on minors. Recommender systems were an object we were regulated for the first time. We are now applying these rules and it's not an easy challenge. **Engagement based ranking, recommender systems, are valuable enforcement related evidence. We need and receive plenty of high quality data, and it will allow for high enforcement quality. Before, we hoped for reputational damage on platforms, but we now have the law that we can apply.**

An internal read-out from a Google employee describes how a top DSA enforcer stated that the Hate Speech and Disinformation Codes were a precursor to the DSA intended to inflict "reputational damage on platforms."

At the same event, Deputy Director-General Renate Nikolay of the Directorate-General for Communications Networks, Content, and Technology (DG-Connect), the European Commission office responsible for enforcing the DSA, proudly stated that with the DSA, the European Commission had "control of recommender systems."¹³⁵ Yet, Nikolay said this was "not enough" and that the European Commission needed to "go further."¹³⁶ Nikolay's comments confirm what the DSA's opponents have long argued: the law's intent was online narrative control.

Renate Nikolay, Directorate-General for Communications Networks, Content and Technology, EU Commission

- **The DSA is a holistic approach, it is not going after one incident, but it is systemic. How are platforms using the space and how we can push them to do better? We have already opened 2 investigations into X and TikTok. We were alone first, because we had to deal with the VLOPs. We already see effects from all that work, we see more transparency, and we see that it is easier to flag illegal content, easier to appeal against content moderation decisions, and there is control of recommender systems, but it is not enough. We have to go further.**

An internal email read-out from a Google employee describes how a top EU official said that censorship under the DSA did not go far enough.

¹³³ Readout of "Protecting The 2024 Elections: From Alarm to Action" (March 8, 2024), see Ex. 244.

¹³⁴ *Id.*

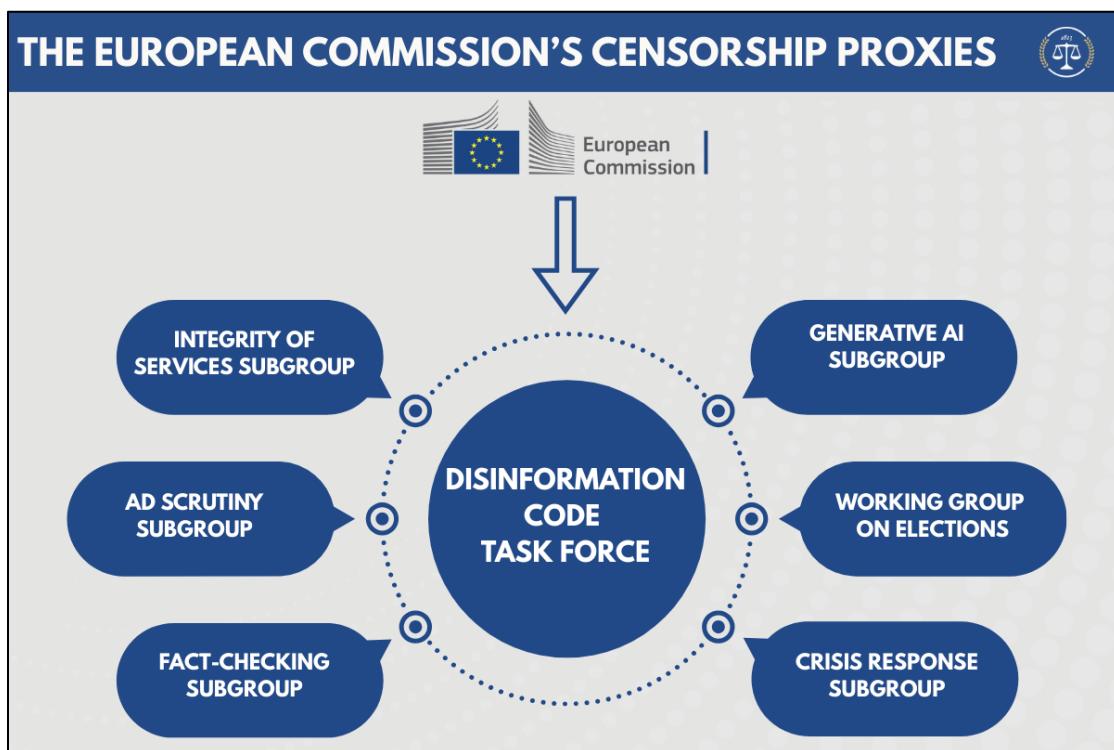
¹³⁵ *Id.*

¹³⁶ *Id.*

E. The “voluntary” and “consensus-driven” European censorship regulatory regime is neither voluntary nor consensus-driven.

Alongside the DSA’s passage, the Commission attempted to strengthen the supposedly voluntary codes and forums it had already established, including the Disinformation Code, to engage more regularly with platforms about content moderation.

For example, in 2022, right as the DSA was about to take effect, the European Commission updated the 2018 Disinformation Code. Under the new guidelines, platforms had to participate in a Disinformation Code “Task Force,” which would meet regularly to discuss platforms’ approach to censoring so-called disinformation.¹³⁷ The Task Force broke into to six “subgroups” focusing on specific disinformation topics, including fact-checking, elections, and demonetization of conservative news outlets.¹³⁸ Across all of these subgroups, there were more than 90 meetings between platforms, censorious NGOs, and European Commission regulators between late 2022 and 2024.¹³⁹



These meetings were a key forum for European Commission regulators to pressure platforms to change their content moderation rules and take additional censorship steps. For example, in over a dozen meetings of the Crisis Response Subgroup, the European Commission inquired about platforms’ “policy changes” “related to fighting disinformation.”¹⁴⁰

¹³⁷ Disinformation Code, *supra* note 124, § IX.

¹³⁸ See *infra* Sec. III.F.ii.

¹³⁹ *Id.*

¹⁴⁰ See, e.g., Agenda: Meeting of the Permanent Task-Force Crisis Response Subgroup (Dec. 14, 2022), *see* Ex. 196.

Participation in the Disinformation Code was purportedly voluntarily and part of the Europeans' approach of having a so-called regulatory dialogue with platforms to achieve "consensus."¹⁴¹ But the companies knew that was not the case. When European Commission Vice President Jourová asked Disinformation Code Task Force participants in June 2023 whether platforms wanted to "open a new subgroup on Generative AI," Google acknowledged internally that it did not "really have a choice" whether to join—the Commission expected it.¹⁴²

On Thu, Jun 22, 2023, 09:03 [REDACTED] <[REDACTED]@google.com> wrote:
See below - the EC is opening the GAI subgroup under the Code of Practice. I assume we want to join (we don't really have a choice), but do we also want to co-chair it?

Thanks for your thoughts, [REDACTED]

CONFIDENTIAL

GOOG-HJCFG-00000



----- Forwarded message -----
From: CNECT-COP-TASK-FORCE@ec.europa.eu <CNECT-COP-TASK-FORCE@ec.europa.eu>
Date: Thu, Jun 22, 2023 at 2:57 PM
Subject: Call of interest for the Generative AI Subgroup

Dear Members of the Task-force,

At the last Plenary Meeting Vice-President Jourová asked the Task-force to look into the challenges posed by the generative AI. Given the role of the Task-force in evolving and adapting the Code in view of the technological developments, we would like to propose you to **open a new subgroup on Generative AI** to tackle this complex new challenge.

After the European Commission created a new Disinformation Code Subgroup, Google employees discussed internally that "we don't really have a choice" on whether to join.

¹⁴¹ Internal emails among Google staff (June 22, 2023), *see* Ex. 2.

¹⁴² *Id.*

Another Google employee explained to his colleagues how these “voluntary” groups actually work: the agenda is set “under (strong) impetus from the EU Commission” and so-called “consensus” is reached under heavy pressure from the European Commission “if they disagree” with the companies.¹⁴³

Google staff noted that participation in Disinformation Code subgroup meetings was effectively mandatory, and that the European Commission retained significant control over the agenda and group initiatives.

F. Today, the European Commission says explicitly that compliance with the Hate Speech and Disinformation Codes effectively serves as a DSA safe harbor and platforms that do not comply may face retaliation.

Since the passage of the DSA in October 2022, the European Commission has consistently held that strict compliance with the Disinformation and Hate Speech Codes is the only clear way to avoid DSA penalties. The updated Disinformation Code approved in 2022, shortly before the DSA's passage, states that compliance with the Code "should be considered as a possible risk mitigation measure under Article 35 of the DSA."¹⁴⁴ The European Commission made similar statements during the 2023 update of the Hate Speech Code. In March 2023, at the outset of the Code's rewrite, the European Commission told platforms in a Q&A that the Hate Speech Code "intend[s] to play a part as a mitigation measure under the DSA risk assessment requirements."¹⁴⁵

143 *Id.*

¹⁴⁴ Disinformation Code, *supra* note 124, Preamble (L).

¹⁴⁵ European Commission Question and answers on the Code revision (Mar. 27, 2023), see Ex. 44.

GLOSSARY OF EU CENSORSHIP ACTIVITIES	
Updated Code of Practice on Disinformation (2022)	The updated Disinformation Code contains 44 disinformation-related commitments and establishes a framework for signatories to closely collaborate and exchange information. ¹⁴⁶ For example, it effectively requires platforms to coordinate with censorious NGOs and biased fact-checkers to aggressively censor content during election periods. ¹⁴⁷ This ostensibly “voluntary” Code has been integrated into the DSA’s regulatory framework, meaning that platforms can be penalized for failing to comply with it. ¹⁴⁸
Code of Conduct on Countering Illegal Hate Speech Online + (2025)	The revised Hate Speech Code, which debuted in January 2025, includes additional censorship obligations, including “terms and conditions for addressing illegal hate speech.” ¹⁴⁹ This ostensibly “voluntary” Code has been integrated into the DSA’s regulatory framework, meaning that platforms can be penalized for failing to comply with it. ¹⁵⁰

Perhaps the clearest statement of the Commission’s view of the Hate Speech and Disinformation Codes came from Renate Nikolay, Deputy Director-General of DG-Connect, in September 2024. In a meeting of Disinformation Code signatories, Nikolay told platforms that compliance “could represent a strong mitigation measure” under the DSA.¹⁵¹ Nikolay then took it one step further, stating that refusal to join “could be taken into account . . . when determining whether the provider is complying with the obligations laid down by the DSA.”¹⁵² A senior European Commission official confirmed what platforms suspected all along: the censorship commitments in the Disinformation and Hate Speech Codes were effectively mandatory.

¹⁴⁶ 2022 *Strengthened Code of Practice on Disinformation*, EUROPEAN COMM’N (June 16. 2022), <https://digital-strategy.ec.europa.eu/en/library/2022-strengthened-code-practice-disinformation>.

¹⁴⁷ *Id.*

¹⁴⁸ Press Release, European Comm’n, Commission Endorses the Integration of the Voluntary Code of Practice on Disinformation into the Digital Services Act (Feb. 12, 2025), https://ec.europa.eu/commission/presscorner/detail/en/ip_25_505.

¹⁴⁹ *The Code of conduct on countering illegal hate speech online +*, EUROPEAN COMM’N (Jan. 20, 2025), <https://digital-strategy.ec.europa.eu/en/library/code-conduct-countering-illegal-hate-speech-online>. (hereinafter “Hate Speech Code”).

¹⁵⁰ *Id.*

¹⁵¹ *Summary of the Roundtable on Auditing Commitments of the Code of Practice on Disinformation* (Sept. 30, 2024), see Ex. 174.

¹⁵² *Id.*

* * *

Since 2015, the European Commission has envisioned a comprehensive digital censorship law giving it control over political discourse in the modern town square. European regulators began this campaign in 2015, with the EU Internet Forum, and extended it in 2016 with the Hate Speech Code and in 2018 with the Disinformation Code. These censorship commitments were ostensibly voluntary, but platforms understood the European Commission's intent in creating them: the Hate Speech and Disinformation Codes were a precursor to what would become the Digital Services Act, giving the European Commission expansive enforcement powers against platforms—including the power to penalize platforms that permitted open debate on sensitive political topics. This set up a clear incentive for platforms: comply with the European Commission's censorship demands even before the DSA took effect, or risk regulatory retaliation later once the Commission could levy massive fines and even ban platforms in the EU.¹⁵³ Today, the Disinformation and Hate Speech Codes are the only safe harbor against DSA enforcement, making them effectively mandatory for platforms trying to avoid punitive action from the European Commission.

III. THE EUROPEAN COMMISSION HAS SUCCESSFULLY PRESSURED PLATFORMS TO CHANGE THEIR GLOBAL CONTENT MODERATION POLICIES, DIRECTLY HARMING AMERICAN SPEECH IN THE UNITED STATES.

Every major online platform has rules about what content users are permitted to post. Under various names, such as “community standards” or “community guidelines,” these content moderation policies are important: they set the boundary for what discourse is allowed in the modern town square.¹⁵⁴ Using these rules, platforms moderate content at scale using artificial intelligence and other automated tools, shaping political debate worldwide.¹⁵⁵ Humans are an increasingly small part of this process, meaning that for regulators seeking narrative control, the content moderation rules are the most important pressure point. Effectively coercing platforms to change these overarching content moderation rules results in censorship of speech around the globe.

Nonpublic documents show that since 2020, the European Commission has regularly pressured the world’s largest social media platforms to change their content moderation policies. The plain text of the Hate Speech Code, the Disinformation Code, and the DSA require companies to make changes to their policies to combat vaguely defined categories of harmful content. Behind closed doors, the pressure has been even greater. The European Commission

¹⁵³ Digital Services Act, *supra* note 26, Art. 36, 52.

¹⁵⁴ See, e.g., *Community Standards*, META, <https://transparency.meta.com/policies/community-standards/> (last visited Jan. 29, 2026); *YouTube’s Community Guidelines*, YOUTUBE HELP, <https://support.google.com/youtube/answer/9288567?hl=en> (last visited Jan. 29, 2026); *The X Rules*, X, <https://help.x.com/en/rules-and-policies/x-rules> (last visited Jan. 29, 2026); *Community Guidelines*, TIKTOK, <https://www.tiktok.com/community-guidelines/en> (last visited Jan. 29, 2026).

¹⁵⁵ See *Content Moderation in a New Era for AI and Automation*, META OVERSIGHT BOARD, <https://www.oversightboard.com/news/content-moderation-in-a-new-era-for-ai-and-automation/> (last accessed Jan. 15, 2026) (“Most content moderation decisions are now made by machines, not human beings, and this is only set to accelerate.”)

repeatedly told platforms to more aggressively censor content related to the COVID-19 pandemic and the Russian invasion of Ukraine—two of the most consequential political events of the 2020s. This campaign went all the way to the top: European Commission leaders including Vice President for Values and Transparency Vera Jourová and Commissioner for Internal Market Thierry Breton regularly met with platform CEOs to press for more censorship. And the pressure has only intensified since the passage of the DSA, which gave the European Commission broad new investigative and retaliatory powers to ensure that social media platforms complied with its demands. Ultimately, the pressure worked: as a result of the European Commission’s years-long pressure campaign, platforms instituted new global rules censoring, among other things, “coded statements” that “normalize inequitable treatment” and “media presented out of context.”¹⁵⁶ Put simply, platforms changed their rules to censor true information *in the United States* because of European Commission pressure.

A. Because content moderation policies cannot be feasibly or effectively enforced on a country-by-country basis, they are global in scope.

Critically, platforms’ content moderation rules are—and effectively must be—global in scope.¹⁵⁷ It is impractical and harmful to users’ privacy for large tech companies to maintain distinct content moderation rules in every jurisdiction across the world.¹⁵⁸

First, in order to enforce country-by-country content moderation rules, platforms would have to know where every single user is located. That is a clear privacy risk. Right now, users can take steps to stop online platforms from tracking their precise location by “disabling location sharing or GPS functionality on [their] device.”¹⁵⁹ Some platforms, sensitive to user privacy concerns, do not collect location data at all.¹⁶⁰ For platforms to effectively enforce different country-by-country content moderation rules, they would need access to each user’s precise location every time the user logged on to the platform. This poses a clear threat to user privacy in multiple ways. As the global censorship tide rises, governments are more aggressively requiring platforms to produce account information for users alleged of various thought crimes. Precise location data for these users would allow the government to surveil and target alleged thought criminals far more easily and precisely. Moreover, platforms would likely have to store this location data somewhere. This increases the risk of data breaches revealing location and network data for users around the world.¹⁶¹

¹⁵⁶ TikTok Community Guidelines Update Executive Summary (Mar. 20, 2024), *see* Ex. 8; TikTok Community Guidelines Survey, *see* Ex. 15.

¹⁵⁷ *See, e.g.*, YouTube Community Guidelines enforcement, GOOGLE TRANSPARENCY REPORT, <https://transparencyreport.google.com/youtube-policy/removals> (last visited Jan. 29, 2026) (YouTube’s Community Guidelines are enforced consistently across the globe, regardless of where the content is uploaded. When content is removed for violating our guidelines, it is removed globally.”); Community Guidelines, TIKTOK, https://www.tiktok.com/support/faq_detail?id=7543604781873371654 (last accessed Jan. 29, 2026) (“Our Community Guidelines apply to our global community and everything shared on TikTok.”).

¹⁵⁸ *See* DSA Censorship Report I, *supra* note 3, at 31.

¹⁵⁹ Amy Bunn, *What Do Social Media Companies Know About You?*, McAFFEE (Oct. 29, 2021).

¹⁶⁰ Rumble Inc.’s Response to an Order to Produce Records from British Columbia’s Office of Human Rights (Aug. 31, 2022), *see* Ex. 288.

¹⁶¹ *See* Geo-IP Blocking: A Double-Edged Sword for Network Firewall Security, HOSTOMIZE, <https://hostomize.com/blog/geo-ip/> (last visited July 21, 2025).

Second, country-specific content moderation regimes are easily circumvented. VPNs allow users to change their virtual location by connecting to servers in different countries.¹⁶² Using VPNs, users can bypass local content restrictions at minimal cost. This makes country-by-country content moderation a practical impossibility. Indeed, Australia and Brazil have explicitly ordered *global* content removals or threatened to fine users who use VPNs to access geo-blocked content.¹⁶³ Even if platforms could and did enforce different content moderation rules in each country, they would still likely encounter pressure from regulators because VPNs would enable users to easily sidestep any censorious regulatory regime.

Finally, the cost of country-by-country content moderation is prohibitive. It would be significantly expensive to stand up, develop, and maintain multiple trust and safety teams to implement and continually maintain separate content moderation policies for each nation.¹⁶⁴ For large platforms, this would come on top of the massive financial burden of EU regulatory compliance, which already functions as an extraterritorial tax on American tech innovation.¹⁶⁵ And for smaller platforms, the cost would be crippling. They would be driven out of the marketplace or prevented from entering it in the first place, cementing the market status of the leading online platforms.

An example of the global reach of European internet regulation is the General Data Protection Regulation (GDPR). This European law requires pop-up ads on websites informing users about how their data will be collected and stored.¹⁶⁶ While the law is ostensibly targeted at European users, these pop-ups are common, if not pervasive, in the United States.¹⁶⁷ This is a product of the so-called “Brussels Effect”: because it is invasive, impractical, and ultimately ineffective to carve up the global internet with different rules for different jurisdictions, European regulations become *de facto* global standards.¹⁶⁸ EU bureaucrats know and weaponize that fact. As *The New York Times* reported, the DSA’s proponents “hope[d] its effects could extend far beyond Europe, changing company policies in the United States and elsewhere.”¹⁶⁹

For these reasons, European pressure to change platform content moderation rules affects speech *globally*, including, of course, in the United States. Categories like “misinformation” and “hate speech” are impossible to define objectively. And worse, government inevitably uses these vague, malleable categories of content to target its political opponents and cement its own grip on power. Given the nature of the internet and social media, when Europe pressures social media

¹⁶² Ausra Korkuzaite, *Best VPN for Geo-Blocking in 2026*, CYBERNEWS (last updated July 4, 2025).

¹⁶³ See e.g., Tom Crowley, ‘*Silly* to demand global takedowns: Dutton weighs in on eSafety case’, AUSTRALIAN BROADCASTING CORP. (Apr. 25, 2024); *Fact Check: Brazilians Can Be Fined for Using VPN to Access X*, REUTERS (Sept. 6, 2024) (last updated Sept. 9, 2024).

¹⁶⁴ See, e.g., Trevor Wagener, *The High Cost of State-by-State Regulation of Internet Content Moderation*, DISRUPTIVE COMPETITION PROJECT (Mar. 17, 2021).

¹⁶⁵ See Carl Schramm, *Costs to U.S. Companies from EU Digital Services Regulation*, COMPUTER AND COMM’NS INDUSTRY ASS’N (July 2025) (calculating the direct cost of European regulatory compliance for U.S. technology companies at \$97.6 billion annually).

¹⁶⁶ See Jack Schofield, *What should I do about all the GDPR pop-ups on websites?*, THE GUARDIAN (July 5, 2018).

¹⁶⁷ See Allison Schiff, *Why Are So Many US Companies Using Cookie Banners On Their Websites?*, ADEXCHANGER (Apr. 17, 2023) (“Most cookie banners are designed to address EU data protection obligations.”).

¹⁶⁸ See Dawn Carla Nunziato, *The Digital Services Act and the Brussels Effect on Platform Content Moderation*, 24 CHIC. J. INT. LAW 115 (2023).

¹⁶⁹ Steven Lee Myers, *E.U. Law Sets the Stage for a Clash Over Disinformation*, N.Y. TIMES (Sept. 27, 2023).

companies to change their content moderation rules, European bureaucrats affect what U.S. users can see and post. That is why the Committee is conducting oversight of technology companies' compliance with foreign censorship laws, like the DSA.

B. The plain text of the Disinformation and Hate Speech Codes require platforms to change their content moderation rules.

The European Commission's primary censorship initiatives over the last decade have been the Code of Practice on Disinformation, the Code of Conduct on Countering Illegal Hate Speech Online, and the Digital Services Act. The text of each makes clear that platforms should change their global content moderation rules to comply, meaning that platforms are expected to censor content deemed "disinformation" or "hate speech" by European regulators.

The Hate Speech Code requires that "signatories . . . have in place terms and conditions informing users that they prohibit illegal hate speech on their services."¹⁷⁰ Effectively, this means that platforms are expected to ensure their global content moderation rules censor speech that would be deemed "illegal hate speech" in Europe. The Committee has previously shown that European regulators classify conventional political discourse on immigration and other sensitive topics as "illegal hate speech."¹⁷¹ Under the plain text of the Hate Speech Code, the European Commission expects that this content, which is protected by the First Amendment in the United States, will be censored under platforms' content moderation policies.

Likewise, the Code of Conduct on Disinformation requires platform signatories to "put in place or further bolster policies to address both misinformation and disinformation across their services."¹⁷² In the same way, this functionally means that major social media platforms must change their content moderation rules to censor content considered "misinformation or disinformation" by European regulators.

C. The DSA's text requires platforms to change their content moderation rules.

The text of the DSA also seems to require that platforms change their content moderation rules. Under Article 34, platforms are directed to identify "systemic risks" present on their platforms, which are defined to include "misleading or deceptive content," "disinformation," "any actual or foreseeable negative effects on civic discourse and electoral processes," and "hate speech."¹⁷³ Platforms are specifically warned that this systemic risk may include "information which is *not* illegal."¹⁷⁴ Then, under Article 35, platforms must mitigate certain risks, meaning they ultimately must moderate (i.e., censor) content that European regulators deem "misleading," "deceptive," or "hate[ful]."¹⁷⁵ In order to do this at scale, platforms need to continually review and change their content moderation policies, which are applied globally.¹⁷⁶ Indeed, the Hate Speech Code states that compliance with its requirement to change platform content moderation

¹⁷⁰ Hate Speech Code, *supra* note 149, §1.1.

¹⁷¹ DSA Censorship Report I, *supra* note 3, at 26-29.

¹⁷² Disinformation Code, *supra* note 124, § IV.

¹⁷³ Digital Services Act, *supra* note 26, at recitals 80, 84, Art. 34.

¹⁷⁴ *Id.* at recital 84 (emphasis added).

¹⁷⁵ See *id.* at recitals 80, 84.

¹⁷⁶ See *supra* Sec. III.A.

rules may constitute “appropriate risk mitigation” under the DSA.¹⁷⁷ Similarly, the Disinformation Code states that compliance with its requirement to change platform policies “should be considered as a possible risk mitigation measure.”¹⁷⁸ The combination of massive penalties¹⁷⁹ for DSA non-compliance and a lack of clarity on how to comply¹⁸⁰—along with the European Commission’s pressure—means that platforms have little choice but to take refuge in the Codes’ safe harbors.

D. The European Commission attempted to censor speech questioning prevailing government narratives about COVID-19 and vaccines.

From the earliest days of the COVID-19 pandemic, the European Commission tried to censor speech that questioned prevailing narratives about transmission and vaccination by coercing platforms to change content moderation rules on COVID-19-related content. Through the European Commission’s “COVID-19 disinformation monitoring program” and meetings with platforms from 2020 to 2023, the European Commission pressured platforms to change their global content moderation rules for content related to the COVID-19 pandemic, silencing those who questioned government narratives that turned out to be entirely false.¹⁸¹

As early as April 2020, the European Commission was pressuring platforms to moderate online discourse about COVID-19. In a call between the European Commission and TikTok, the European Commission warned that “misinformation and disinformation is an important part of the Covid crisis, will remain an essential part of Commission’s agenda, and reminded of the importance to continue and further step up the work on addressing Corona disinformation.”¹⁸² The DSA was not in place yet, but the Disinformation Code was—and platforms knew that the DSA would soon follow.¹⁸³ The pandemic had just begun, and the European Commission was already beginning to pressure social media platforms to change their policies.

¹⁷⁷ Hate Speech Code, *supra* note 149, at Preamble (I).

¹⁷⁸ Disinformation Code, *supra* note 124, at Preamble (L).

¹⁷⁹ Digital Services Act, *supra* note 26, at Art. 52.

¹⁸⁰ See TikTok DSA Risk Assessment Guidelines (Aug. 25, 2023), *see* Ex. 5 (“There is a high level of complexity and subjectivity in the risk assessment process.”)

¹⁸¹ See e.g., Emails between TikTok staff and European Commission staff (Oct. 30, 2020), *see* Ex. 48; *see also* *Europe’s Threat to American Speech and Innovation: Hearing of the H. Comm. on the Judiciary*, 119th Cong. (Sep. 3, 2025) (statement of Chairman Jordan) (“I always like to point out everything the government told us about COVID turned out to be wrong . . . They told us that the virus didn’t come from a lab. It sure looks like it did. They told us it wasn’t gain-of-function research done at the lab. Yes it was. They told us it wasn’t our tax money used at the lab. Yes it was. They told us vaccines—they told us that the vaccinated can’t get it. They told us the vaccinated can’t transmit it. They told us masks work. They told us a six-feet social distance was based on science. They told us this was the first virus in history where there’s no such thing as natural immunity. They were 0 for 8.”).

¹⁸² Email from European Commission staff to TikTok (April 1, 2020), *see* Ex. 46.

¹⁸³ See *infra* Sec. II.C.

From: [Redacted]
Sent: jeudi 14 mai 2020 15:18
To: [Redacted]
Cc: [Redacted]
Subject: report from a call with TikTok, 1 April

On 1 April I received a call from [Redacted] [Redacted] TikTok.

[Redacted] introduced TikTok and its mission. Following my question on privacy and several articles of TikTok collecting localisation data on users, [Redacted] stressed that they apply GDPR and collect less granular data on localisation.

I enquired about their response to Covid-19 misinformation and disinformation. [Redacted] explained that TikTok is working with work with health ministries in 11 MS, WHO where they don't have representation. As for content moderation, new content is screened and a 'sticker' is attached to those videos with a Covid-relevant message that leads the user to an authoritative source. Misleading or harmful content (non-verifiable medical information or Covid-related conspiracy theories) is removed. They are however not seeing high volumes of misleading or harmful videos related to Covid-19.

I informed that misinformation and disinformation is an important part of the Covid crisis, will remain an essential part of Commission's agenda, and reminded of the importance to continue and further step up the work on addressing Corona disinformation.

[Redacted]

On April 1, 2020, the European Commission warned TikTok that it needed to do more to censor so-called disinformation.

Soon, the European Commission expanded its pressure campaign publicly. In June 2020, European Commission President von der Leyen launched a “COVID-19 disinformation monitoring program,” requiring signatories of the Disinformation Code to provide reports—first monthly, then bimonthly—on their efforts to “demote[] and remove[]” information that the European Commission considered false and “promote authoritative content” parroting the government’s preferred narratives.¹⁸⁴ The European Commission’s letter asking TikTok to join the “monitoring program” specified that the European Commission was interested in “policies, procedures and actions” that platforms enacted “since the outbreak of the COVID-19 crisis as a response to the concomitant *infodemic*.¹⁸⁵ These reporting rules were essentially censorship mandates: platforms that did not remove enough content to placate the European Commission would be singled out for regulatory retaliation, meaning that platforms had to change their global content moderation rules to censor at scale content disfavored by the European Commission.

I. Baseline information on relevant policies and procedures as of 31 July 2020.

Platforms and relevant industry associations are invited to provide the Commission with an up-to-date information on the policies, procedures and actions they have enacted since the outbreak of the COVID-19 crisis as a response to the concomitant *infodemic*.

The European Commission privately warned social media platforms that they should change their COVID-19 content moderation rules.

¹⁸⁴ COVID-19 disinformation monitoring programme, EUROPEAN COMM’N, <https://digital-strategy.ec.europa.eu/en/policies/covid-19-disinformation-monitoring> (last visited Jan. 29, 2026).

¹⁸⁵ Letter from European Commission to TikTok (July 22, 2020), *see* Ex. 47 (emphasis in original).

Even European companies, generally shielded from the worst of the Commission’s regulatory actions, felt the pressure. The same month, in June 2020, Filomena Chirico, a high-ranking advisor to Commissioner Breton, asked to meet with Swedish company Spotify about its “anti-disinformation actions.”¹⁸⁶ At the same time, Chirico scheduled a “DSA discussion” with Spotify, showing that the DSA was top of mind for platforms and the Commission almost two-and-a-half years before it became law.¹⁸⁷

On Fri, Jun 5, 2020 at 7:37 PM < [REDACTED] @ec.europa.eu> wrote:

Hi [REDACTED]

Sorry to get back only now, this period has been extremely intense and we did not have much time for meetings. Good that we managed to virtually “see” each other, although in a group exchange.

I’m writing to ask if you would you have time to speak briefly on Monday. I have a question on Spotify’s anti-disinformation actions.

Of course, we can also plan a DSA discussion, I suppose you will participate to the public consultation we just launched.

I’m available at 10:00 or after 15:00

Thanks in advance!

Filomena

A high-ranking advisor to Commissioner Breton wanted to meet with Spotify on its “anti-disinformation actions” and the DSA in 2020.

By October 2020, the European Commission had zeroed in on platforms’ content moderation rules, asking platforms how they planned to “update [their] terms of service[] or content moderation practices” ahead of the rollout of COVID-19 vaccines.¹⁸⁸ While staff made the outreach, they told platforms that they were reaching out with “the knowledge of” President von der Leyen and “the agreement of” Vice President Jourová.¹⁸⁹ The message was clear: the most powerful figures in the Commission expected platforms to change their global content moderation rules related to COVID-19 vaccines before even a single vaccine had been delivered. The platforms could not and did not ignore this type of pressure. TikTok, for example, told the European Commission that it was “monitoring . . . satire related to vaccinations” to determine if additional censorship was necessary.¹⁹⁰ It is a striking parallel to the United States, where the Biden-Harris Administration successfully “pressured” Meta to remove “humor and satire” related to COVID-19 vaccinations.¹⁹¹ After the Committee’s oversight brought this to light, Meta CEO Mark Zuckerberg apologized and promised it would never happen again.¹⁹²

¹⁸⁶ Emails between Spotify staff and European Commission staff (June 7, 2020), *see* Ex. 18.

¹⁸⁷ *Id.*

¹⁸⁸ Emails between TikTok staff and European Commission staff (Oct. 30, 2020), *see* Ex. 48.

¹⁸⁹ *Id.*

¹⁹⁰ TikTok Input to European Commission Request on Covid-19 Vaccination Disinformation (Nov. 4, 2020), *see* Ex. 49.

¹⁹¹ Letter from Mr. Mark Zuckerberg, CEO, Meta, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary (Aug. 26, 2024); *see also* STAFF OF THE H. COMM. ON THE JUDICIARY AND THE SELECT SUBCOMM. ON THE WEAPONIZATION OF THE FED. GOV’T OF THE H. COMM. ON THE JUDICIARY, 118TH CONG., THE CENSORSHIP INDUSTRIAL COMPLEX: HOW TOP BIDEN WHITE HOUSE OFFICIALS COERCED BIG TECH TO CENSOR AMERICANS, TRUE INFORMATION, AND CRITICS OF THE BIDEN ADMINISTRATION (Comm. Print May 1, 2024).

¹⁹² *Id.*

From: [Redacted]@ec.europa.eu>
Date: Fri, 30 Oct 2020, 19:57
Subject: [External] disinformation with regard to vaccines and testing - kind request
To: <[Redacted]microsoft.com>, [Redacted]@fb.com>, [Redacted]@twitter.com>, [Redacted]@bytedance.com>, [Redacted]@google.com>, [Redacted]@fb.com>
Cc: [Redacted]@ec.europa.eu>, [Redacted]@ec.europa.eu>, [Redacted]@ec.europa.eu>

Finally, as it will be essential in the next stages to pay special attention to the vaccination aspect, if you have any relevant updates on your terms of services or content moderation practices (promotion / demotion), please let me know as well.

Given the urgency, I take the liberty to use this informal channel but I want to assure you that I am addressing you with the agreement of the Vice-President (who is cooperating on this with [Redacted] and [Redacted]) and the knowledge of the President.

If you have any questions, don't hesitate to call or write.

Best regards,

Redacted

European Commission
Cabinet of Vice President Věra Jourová
Values & Transparency

Pressure to change content moderation rules related to COVID-19 vaccines came from the highest levels of the European Commission.

The European Commission's focus on alleged vaccine misinformation continued into November 2020. In a call with one platform, a high-ranking member of Vice President Jourová's staff "explained that vaccines will be our new focus on disinformation on covid."¹⁹³ Accordingly, the European Commission stated that platforms would have to report on "actions taken to fight disinformation and misinformation around COVID vaccines" in future COVID-19 monitoring reports, once again implying that platforms needed to take action—meaning adopt new content moderation rules—to censor content about COVID-19 vaccines.¹⁹⁴ The same email referenced another European Commission effort to "design[] a targeted work-plan on fighting disinformation and misinformation around COVID vaccines," indicating that the European Commission was in the process of forming more concrete vaccine censorship guidelines for platforms to follow.¹⁹⁵

¹⁹³ Readout of meeting between TikTok and Staff to European Commission Vice President Vera Jourová (Nov. 6, 2020), *see* Ex. 51.

¹⁹⁴ Emails between TikTok staff and European Commission staff (Nov. 9, 2020), *see* Ex. 50.

¹⁹⁵ *Id.*

On Mon, Nov 9, 2020 at 9:18 PM Redacted <@ec.europa.eu> wrote:

I would also like to take the opportunity to relay a request in relation to the COVID-19 disinformation monitoring programme established under the June 2020 Communication.

I understand that Redacted from Redacted cabinet has recently contacted you seeking your assistance in **designing a targeted work-plan on fighting disinformation and misinformation around COVID vaccines**. We very much appreciate the inputs provided so far in response to this request.

In follow-up, the Commission would like the platforms to include in their **further monthly monitoring reports a specific section highlighting actions taken to fight disinformation and misinformation around COVID vaccines**. Given the importance of this topic, we would greatly appreciate it if you could begin implementing this request in your **upcoming monthly updates on COVID-19 disinformation, which are due on 15 November**.

While the monitoring programme already encompasses COVID vaccines disinformation, we consider it would be crucial to intensify and consolidate reporting on the topic. This will critically support the work the Commission and the Member States are undertaking to ensure public acceptance and uptake of COVID vaccines, which, as you know, are presently being developed and undergoing clinical trials.

By November 2020, the European Commission was focused on censorship of content related to COVID-19 vaccines.

The European Commission's focus on COVID-19-related content moderation policies continued into 2021. In January, the European Commission extended President von der Leyen's disinformation monitoring program and requested that future platform reports have "a stronger focus" on "measures to remove and/or demote dis- or misinformation related to COVID-19 vaccines."¹⁹⁶ The European Commission pressured platforms on where the Commission wanted "to see improvement[s]," and offered insight into how it defined misinformation, referring to the biased, left-wing Global Disinformation Index (GDI) as a source to be trusted.¹⁹⁷ The message to platforms was clear: the Commission wanted them to censor more speech and to do so in accordance with left-wing organizations like GDI.

¹⁹⁶ Emails between TikTok staff and European Commission staff (Jan. 19, 2021), *see* Ex. 52.

¹⁹⁷ *Id.* The U.S. State Department at one point also worked with the Global Disinformation Index to silence conservative news organizations in the United States. GDI systematically rates conservative news sites as "disinformation" while calling left-wing news outlets like *The Huffington Post* trustworthy. *See* STAFF OF THE H. COMM. ON THE JUDICIARY, 118TH CONG., GARM'S HARM: HOW THE WORLD'S BIGGEST BRANDS SEEK TO CONTROL ONLINE SPEECH (Comm. Print July 10, 2024); Gabe Kaminsky, *Disinformation Inc: Government-backed organization sent \$315,000 to group blacklisting conservative news*, WASH. FREE BEACON (Feb. 14, 2023).

From: **Redacted** <cc.europa.eu>
Sent: Tuesday, January 19, 2021 4:31 PM
To: **Redacted** <tiktok.com>
Cc: **Redacted** <bytedance.com>; **Redacted**
Redacted <cc.europa.eu>; **Redacted**
Redacted <cc.europa.eu>; **Redacted**
Redacted <cc.europa.eu>; CNECT COVID MONITORING
PROGRAMME <CNECT-COVID-MONITORING-
PROGRAMME@cc.europa.eu>; **Redacted**
Redacted <cc.europa.eu>; **Redacted**
Redacted <cc.europa.eu>; CNECT I4 <CNECT-I4@cc.europa.eu>
Subject: COVID-19 Monitoring Programme - Next steps

We would however also like to take this occasion to further engage with you regarding the content of the reports. From our perspective, some key points where we would like to see improvement include:

- a stronger focus on current and foreseen actions related to COVID-19 vaccines applied on your services (e.g. tools deployed to ensure easy access to authoritative information about vaccines and national vaccination campaigns, measures to remove and/or demote dis- or misinformation related to COVID-19 vaccines, evolutions in advertising policies and enforcement to address COVID-19 vaccines dis- or misinformation).

In January 2021, the European Commission told platforms to step up their censorship.

The next month, in February 2021, European Commission Vice President Jourova met with “Facebook, Google, TikTok, Twitter, and YouTube” and directly pressed them on their efforts to censor vaccine-related content.¹⁹⁸ Specifically, she “asked what platforms could do to strengthen the actions to have less toxic content”—tethering her censorship demand not to any objective class of unlawful content, but to her own personal and subjective opinion of what content might be “toxic.”¹⁹⁹ The European Commission noted its displeasure that “manifestly toxic content” remained online even after trusted flaggers—government approved third-parties

¹⁹⁸ Readout of meeting between European Commission Vice President Vera Jourova and multiple platforms (Feb. 22, 2021), *see* Ex. 53.

¹⁹⁹ *Id.*

empowered to make priority censorship requests—requested its removal.²⁰⁰ It is precisely what the First Amendment forbids U.S. government officials from doing: targeting specific speech for censorship based on their personal belief about the speech’s truthfulness or utility.²⁰¹ Yet, because of the global nature of platform content moderation, European censorship demands likely affected lawful American speech.

From: Redacted <ec.europa.eu>
Sent: Tuesday, February 23, 2021 12:15 AM
To: Redacted <ec.europa.eu> Redacted
Redacted @ec.europa.eu>
Cc: Redacted <ec.europa.eu> Redacted
Redacted <ec.europa.eu> Redacted
Redacted <ec.europa.eu>
Subject: report from meeting with platforms on vaccine disinformation, 22/2

Vice-President Jourová met the representatives of Facebook, Google, TikTok, Twitter and YouTube about the urgency of addressing coronavirus vaccines disinformation.

VP thanked companies for their engagement but warned that disinformation stays abundant and vaccine diplomacy is accompanied by propaganda waves by foreign actors. She asked what platforms could do to strengthen the actions to have less toxic content, and how we could facilitate cooperation between public authorities and online platforms in order to identify disinformation in a better way and promote health announcements from the authorities. VJ also underlined the need to work against disinformation in all MS and languages. Finally, she announced she would discuss the matter further with Member States.

TikTok spoke about innovative methods to provide information about vaccines, as well as labelling, deepening cooperation with fact-checkers, and removing most toxic content.

Commission raised the issue of repeated evidence on manifestly toxic content still circulating online even after being spotted by trusted flaggers.

Vice President Jourova directed platforms to remove “toxic” vaccine-related content in February 2021.

Two months later, in April, Vice President Jourova followed up, meeting with interim TikTok CEO Vanessa Pappas “to discuss [TikTok’s] efforts around disinformation.”²⁰² Jourova cited the Hate Speech Code, the Disinformation Code, and the forthcoming DSA as reasons that TikTok had a “responsibility” to “fight[] COVID-19 related disinformation.”²⁰³ It is a revealing comment: Jourova stated that two “voluntary” Codes of Conduct and a law that would not be

²⁰⁰ *Id.*

²⁰¹ See *Nat'l Rifle Ass'n v. Vullo*, 602 U.S. 175 (2024) (“Government officials cannot attempt to coerce private parties in order to punish or suppress views that the government disfavors.”).

²⁰² Emails between TikTok staff and European Commission staff (Apr. 13, 2021), *see* Ex. 54.

²⁰³ Readout of meeting between TikTok and European Commission Vice President Vera Jourova (Apr. 20, 2021), *see* Ex. 19.

signed for another 18 months conveyed a censorship “responsibility” onto platforms. And because European regulators’ “suggestions” were actually obligatory, Jourová’s pressure was effective. Platforms knew that the European Commission would target them using the forthcoming DSA if they did not comply with the European Commission’s censorship demands and change their global content moderation rules.

 Ref. Ares(2021)2709692 - 22/04/2021

20.4.2021 – VPJ Meeting with the CEO of TikTok Vanessa Pappas

The meeting between the Vice-President Věra Jourová and the CEO of TikTok Vanessa Pappas revolved around three topics, namely measures against disinformation, strengthening the responsibility of platforms and political advertising.

The responsibility of platforms was discussed in the light of Code of conduct on countering illegal hate speech online, the proposed Digital Services Act and the European Democracy Action Plan, including the revision of the Code of Practice on Disinformation. Vice-President Jourová welcomed TikTok’s efforts on illegal hate speech online and on fighting COVID-19 related disinformation. CEO Pappas presented TikTok’s Content Advisory Council as a way to increase transparency of the content moderation efforts while remaining at top of new challenges such as deepfakes, cyberbullying or teen health issues. Mrs Pappas also mentioned opening a European Public Transparency Centre in Dublin that should open up the details of content moderation process to public. Vice-President Jourová showed interest in these efforts and further emphasised the need to protect the freedom of expression.

The European Commission’s readout of an April 2021 meeting with TikTok’s interim CEO notes TikTok’s censorship “responsibility.”

While much of the world had moved past the COVID-19 pandemic by the end of 2021, the European Commission had not. Once again, it renewed the so-called “disinformation” monitoring program and imposed new reporting obligations on the platforms.²⁰⁴ This time, the European Commission tried to do more than just censor thought criminals—it sought to ruin their financial livelihoods. The European Commission added a new reporting obligation for “actions taken to demonetize purveyors of Covid-19 and vaccines related disinformation.”²⁰⁵ Once again, platforms left themselves exposed to regulatory reprisal if they did not change their rules to demonetize creators who criticized the government or prevailing “authoritative” narratives about the pandemic—many of which, by this time, had been shown conclusively to be false.²⁰⁶

²⁰⁴ Email from European Commission staff to Code of Practice on Disinformation Signatories (Dec. 8, 2021), *see* Ex. 59.

²⁰⁵ *Id.*

²⁰⁶ See, e.g., Anika Singanayagam et al., *Community transmission and viral load kinetics of the SARS-CoV-2 delta variant in vaccinated and unvaccinated individuals in the UK: a prospective, longitudinal, cohort study*, 22 LANCET INFECTIOUS DISEASE 183 (Feb. 2022) (demonstrating that vaccinated individuals could transmit the COVID-19 virus).

From: CNECT-COVID-MONITORING-PROGRAMME@ec.europa.eu [CNECT-COVID-MONITORING-PROGRAMME@ec.europa.eu]
Sent: 12/8/2021 4:38:58 PM
To: **Redacted** [Think And Go B.V.B.A] **Redacted** [microsoft.com]; **Redacted** [fb.com]; **Redacted** [google.com]; **Redacted** [tiktok.com]; **Redacted** [twitter.com]; **Redacted** [twitter.com]
CC: **Redacted** [ec.europa.eu] **Redacted** [ec.europa.eu]
Subject: [External] Prolongation of the COVID-10 Monitoring Programme and next steps

4. Information related to advertising and monetisation

The reports contain information about ads removed or prevented from running for violating the platforms' policies regarding Covid-19. Yet, information on the context is often lacking, including in which phase these ads were prevented/removed, how may were actually displayed etc. Also, reports refer to action taken against URLs, while it is not clear on what basis / in which context this happened.

Reports do not contain, however, information regarding actions taken to demonetise purveyors of Covid-19 and vaccines related disinformation. In view of the importance of achieving results regarding the demonetisation of disinformation, we would like to ask you to start providing data also related to this. Relevant signatories should also take this opportunity to start testing metrics capable of measuring the amount of online ads displayed over pages or through channels identified as purveyors of COVID-19 related disinformation.

In December 2021, the European Commission directed platforms to demonetize creators whose content was deemed misinformation.

For years, the European Commission actively sought to shape online debate about the COVID-19 pandemic and censor speech questioning prevailing government narratives. This effort was conceived and executed at the highest level of the European Commission's political leadership. At the outset of the pandemic, the Commission warned platforms that combatting alleged COVID-19 misinformation was "essential."²⁰⁷ Then, under the Disinformation Code, it forced platforms to report on alleged misinformation on their sites, including how platforms were changing content moderation rules to silence voices disfavored by the government. With the DSA was on its way, platforms were in a bind: they knew that failure to censor speech now would be held against them later. The only way out was to change their global content moderation rules and censor speech worldwide.

²⁰⁷ Email from European Commission staff to TikTok (Apr. 1, 2020), *see* Ex. 46.

E. The European Commission pressured platforms to change their rules for content related to Russia’s invasion of Ukraine.

From the beginning of 2022, the European Commission also pressured platforms to more aggressively censor speech related to Russia’s invasion of Ukraine. In regular meetings throughout 2022 and 2023, the European Commission asked platforms how they had changed their content moderation rules in response to the war and urged them to make further changes. Evidence indicates that the Biden-Harris Administration supported and may have been involved in these efforts.

- i. The European Commission hosted regular meetings with platforms to pressure them to censor more content related to Russia’s invasion of Ukraine.*

Throughout 2022 and 2023, the European Commission met with platforms and encouraged them to change their rules to stop alleged misinformation and disinformation related to the Russian invasion of Ukraine. In January 2022, before the war even began, the Commission began hosting large group meetings with platforms, in which it regularly asked about platforms’ content moderation rules. In total, there were at least 14 of the meetings, with characteristic meeting agendas asking platforms about “any new actions taken on your side, including changes in Terms and Conditions”²⁰⁸ and “new measures/policy adjustments” regarding “disinformation.”²⁰⁹ The implication that platforms should take such action—as the DSA was in the final stages of negotiation—was clear.

²⁰⁸ Meeting Agenda from European Commission staff to Code of Practice on Disinformation Signatories (May 11, 2022), *see* Ex. 73; *see* Email from European Commission staff to Code of Practice on Disinformation Signatories (Mar. 30, 2022), *see* Ex. 67; Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (June 3, 2022), *see* Ex. 77; Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (May 24, 2022), *see* Ex. 75; Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Apr. 19, 2022), *see* Ex. 69; Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Apr. 4, 2022), *see* Ex. 68; Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Mar. 10, 2022), *see* Ex. 66; Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Feb. 16, 2022), *see* Ex. 63; Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Feb. 7, 2022), *see* Ex. 62; Email from European Commission staff to Code of Practice on Disinformation Signatories (Jan. 27, 2022), *see* Ex. 60; Meeting Agenda from European Commission staff to Code of Practice on Disinformation Signatories (June 23, 2022), *see* Ex. 78; Meeting Agenda from European Commission staff to Code of Practice on Disinformation Signatories (June 1, 2022), *see* Ex. 76; Meeting Agenda from European Commission staff to Code of Practice on Disinformation Signatories (May 18, 2022), *see* Ex. 74; Meeting Agenda from European Commission staff to Code of Practice on Disinformation Signatories (May 4, 2022), *see* Ex. 72; Meeting Agenda from European Commission staff to Code of Practice on Disinformation Signatories (Apr. 27, 2022), *see* Ex. 71.

²⁰⁹ Email from European Commission staff to Code of Practice on Disinformation Signatories (Mar. 30, 2022), *see* Ex. 67.

From: Redacted <dec.europa.eu>
Sent: 5/11/2022 9:50:26 AM
To: Redacted@microsoft.com; Redacted@google.com; Redacted@google.com; Redacted@tiktok.com;
Redacted@bytedance.com; Redacted@bytedance.com; Redacted@tiktok.com;
Redacted@fb.com; Redacted@fb.com; Redacted@fb.com; Redacted@fb.com; Redacted@fb.com;
Redacted@twitter.com; Redacted@twitter.com; Redacted@twitter.com; Redacted@microsoft.com
CC: Redacted@ec.europa.eu; Redacted@ec.europa.eu; Redacted@ec.europa.eu;
Redacted@ec.europa.eu; Redacted@ec.europa.eu; Redacted@ec.europa.eu;
Redacted@ext.ec.europa.eu; Redacted@ec.europa.eu; Redacted@ec.europa.eu;
Redacted@ec.europa.eu; Redacted@ec.europa.eu; Redacted@ec.europa.eu;
Redacted@ec.europa.eu; Redacted@ec.europa.eu;
Subject: [External] This afternoon's meeting on Ukraine

Dear Signatories,

At this afternoon's meeting on Ukraine we are looking forward to hear in particular about your most recent insights regarding:

- **Trends observed regarding TTPs and disinformation narratives;**
- **Any new actions taken on your side, including changes in Terms and Conditions.**
- Insights about **fact-checking activities**: further information about your actions to step up fact-checking in relevant languages, volume of fact-checks related to the war, your experiences regarding the effectiveness of fact-checking, challenges, lessons learned.
- Updates about **enforcement and circumvention of sanctions**;
- Any updates regarding the **activity of Russian state-affiliated accounts** (embassy accounts etc.) and the **effectiveness of your policies** in this regard;

The recurring agenda for meetings on disinformation related to Russia's invasion of Ukraine explicitly asked platforms to report on changes to their content moderation rules.

The European Commission also made more specific demands of platforms. On March 3, 2022, the European Commission directed Disinformation Code signatories to report to the Commission on how they were “adapting terms of services” to ensure “a more consistent labelling, demotion or removal of debunked information or deceptive manipulated material.”²¹⁰ Implicit in the question is the notion that platforms should be “adapting” their global content moderation rules in a direction preferred by the European Commission. Moreover, whether information is “debunked” or “deceptive” is a subjective judgment, increasing the risk that the European Commission could use these classifications as a guise for censorship of content it does not like. And “reporting” was simply the European Commission’s pressure tactic of choice—an easy way to signal to companies that certain content should be censored and that the European Commission would know if it was not.

²¹⁰ Emails between TikTok staff and European Commission staff (Mar. 7, 2022), *see* Ex. 65.

On Thu, Mar 3, 2022, 9:30 AM [Redacted] @ec.europa.eu wrote:

Here is the list of measures and related KPIs which I would ask you to cover in your reports to the Commission.

1. ensure a more consistent **labelling, demotion or removal of debunked information or deceptive manipulated material**, and where appropriate **adapting terms of services to the exceptional situation**.

→ **KPI:** number of labels applied, number of demoted/removed content items, number of pieces of content fact-checked, information on updates made to their terms of service, to the extent possible we would appreciate to have also information related to the impact of such measures.

The European Commission asked platforms to report on changes to their content moderation rules after the Russian invasion of Ukraine.

The same day, on March 3, 2022, Vice President Jourová and Commissioner Breton jointly sent a letter to TikTok warning that the platform needed to “exert [its] upmost diligence . . . in applying all elements of the Code of Practice on Disinformation” and “start showing how the concrete commitments” it made “[could] be operationalized rapidly.”²¹¹ Jourová and Breton also told TikTok that it should “adapt[] [its] policies to the changed situation, in anticipation of the risk-based approach which is at the core of the upcoming Digital Services Act.”²¹² While in this case, Jourová and Breton were specifically discussing content moderation rules related to “war propaganda,”²¹³ the broader principle is troubling—and telling. Six months before the DSA took effect, the European Commission believed—and told platforms—that the DSA empowered them to demand changes to global content moderation rules.

Beyond the specific implementation of EU sanctions against RT and Sputnik, this is the moment to exert your upmost diligence not only in applying all elements of the Code of Practice on Disinformation but also to start showing how the concrete commitments discussed in the context of its revision can be operationalised rapidly.

Moreover, until now your terms of service have not considered the possibility of your systems being used as means of war propaganda. Given the circumstances we urge you to consider adapting your policies to the changed situation, in anticipation of the risk-based approach which is at the core of the upcoming Digital Services Act.

A March 2022 letter from the European Commission to TikTok claimed the authority to force changes to global content moderation rules under the DSA.

Just a couple weeks later, a March 14 meeting between platforms and the European Commission on disinformation focused on “any changes to terms of services relevant not to allow war propaganda and problematic content.”²¹⁴ While the desire to combat Russian war propaganda is understandable, the expansion of scope to undefined “problematic content”—another hopelessly subjective standard—and the belief that European regulators should be able to

²¹¹ Letter from Commissioner Thierry Breton and Vice President Vera Jourová to TikTok (Mar. 3, 2022), *see* Ex. 64.

²¹² *Id.*

²¹³ *Id.*

²¹⁴ Emails between TikTok staff and European Commission staff (Mar. 14, 2022), *see* Ex. 21.

influence the global content moderation standards of non-European companies are both deeply concerning.

From: [Redacted] @ec.europa.eu>
Date: Mon, Mar 14, 2022, 14:04
Subject: [External] heads up on today's meeting
To: [Redacted] @tiktok.com* [Redacted] @tiktok.com>

Dear [Redacted]

Hope you had a great weekend. I just wanted to drop you a quick message ahead of today's meeting on Ukraine.

Just to let you know, we will focus mostly on getting updates on two aspects:

- any changes to terms of services relevant not to allow war propaganda and problematic content

European regulators asked for updates on platforms' "changes to terms of services" to censor "problematic content."

Like it had on COVID-19 misinformation, the European Commission once again relied on pseudoscience to substantiate its claim that disinformation related to Russia's invasion of Ukraine was prevalent on social media platforms. Later in March 2022, the European Commission summoned TikTok to a meeting after the left-wing pro-censorship group NewsGuard reported that misinformation related to the Russian invasion of Ukraine was easily accessible on the platform.²¹⁵ NewsGuard, like the Global Disinformation Index, systematically designates conservative speech as "disinformation" while claiming that progressive speech is trustworthy.²¹⁶ TikTok disputed the contents of NewsGuard's report, stating that the experiment did not "mimic[] standard viewing behavior."²¹⁷

Formal meetings of signatories to the Disinformation Code, including platforms, also focused on platform content moderation rules related to the Russian invasion and the resulting war. These rules were discussed in at least ten meetings of the Crisis Response Subgroup of the Disinformation Code Task Force in 2022 and 2023.²¹⁸ Similarly, at a "plenary session" of Code

²¹⁵ Emails between TikTok staff and European Commission staff (Mar. 24, 2022), *see* Ex. 29.

²¹⁶ *See STAFF OF THE H. COMM. ON THE JUDICIARY, 118TH CONG., GARM'S HARM: HOW THE WORLD'S BIGGEST BRANDS SEEK TO CONTROL ONLINE SPEECH* (Comm. Print July 10, 2024).

²¹⁷ Emails between TikTok staff and European Commission staff (Mar. 24, 2022), *see* Ex. 29.

²¹⁸ Agenda: Meeting of the Permanent Task-Force Crisis Response Subgroup (Jan. 11, 2023), *see* Ex. 195; *see* Agenda: Meeting of the Permanent Task-Force Crisis Response Subgroup (Feb. 22, 2023), *see* Ex. 193; Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Feb. 8, 2023), *see* Ex. 107; Agenda: Meeting of the Permanent Task-Force Crisis Response Subgroup (Dec. 14, 2022), *see* Ex. 196; Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Oct. 27, 2023), *see* Ex. 143; Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Mar. 8, 2023), *see* Ex. 111; Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Nov. 30, 2022), *see* Ex. 93; Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Nov. 15, 2022), *see* Ex. 91; Agenda: Meeting of the Permanent

signatories in December 2022, platforms were asked “what measures [they took] to reduce disinformation on the [war in Ukraine] crisis” in a “spotlight discussion.”²¹⁹ Top staff to Vice President Jourová and Commissioner Breton attended and spoke at the plenary.²²⁰

14:30–15:30	<p>6. Spotlight Discussion</p> <p>Disinformation surrounding the war in Ukraine – lessons learnt from the Crisis by the CoP community</p> <p>Short interventions by signatories:</p> <ul style="list-style-type: none">- <i>What were the main threats that your organisation/company observed on the crisis?</i>- <i>What measures did you take to reduce disinformation on the crisis?</i>- <i>What are your key concerns and main learnings?</i>- <i>What do you see as areas for further action? Do you have suggestions on how to take this forward under the Code?</i>
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The agenda for a December 2022 plenary session of Disinformation Code signatories noted that platforms would be asked about their efforts to stop disinformation related to Russia’s invasion of Ukraine.

High-level European Commission officials also continued to meet with platforms. In September 2022, Vice President Jourová met with Spotify CEO Daniel Ek to “discuss the roles and responsibilities of digital platforms within the context of the Digital Services Act (DSA).”²²¹ Once again, she used a meeting with a platform executive to call for censorship, “encouraging” Spotify to “join[] the Code of Practice on Disinformation”—meaning it would have to change its content moderation rules to censor more content.²²² Jourová also confirmed during the meeting that the DSA represented the EU’s attempt “to engage in the field of information space”—in other words, to tilt the marketplace of ideas towards those favorable to the European Commission.²²³

Task-Force Crisis Response Subgroup (Oct. 19, 2022), *see* Ex. 202; Email from European Commission staff to Code of Practice on Disinformation Signatories (Oct. 4, 2022), *see* Ex. 88.

²¹⁹ Agenda: Fourth Meeting of the Code of Practice’s Permanent Task-Force (Dec. 6, 2022), *see* Ex. 95.

²²⁰ *Id.*

²²¹ Readout of meeting between Spotify and European Commission Vice President Vera Jourová (Sept. 7, 2022), *see* Ex. 22.

²²² *Id.*

²²³ *Id.*

Meeting conclusions

Participants	<p><u>Visitors' delegation:</u></p> <ul style="list-style-type: none"> • Daniel Georg EK, CEO of Spotify • [REDACTED], Global Head of Public Affairs • [REDACTED] • [REDACTED], Vice President, Global Government Relations • [REDACTED], Senior Director, European Policy • [REDACTED] <p><u>COM:</u></p> <ul style="list-style-type: none"> • Vice President Jourová • Daniel Braun, Deputy Head of Cabinet
Objective of the meeting	<ul style="list-style-type: none"> • Discuss the role and responsibilities of digital platforms within the context of the Digital Services Act (DSA). • Discuss the proposal for the Media Freedom Act, and the position of Spotify, as well as its obligation in the digital sphere. • How Spotify can contribute to the EU's work to promote a values-driven approach to Europe's digital economy, especially on AI.
Issues raised & follow-up	<p><i>On the digital economy and regulation</i></p>

	<ul style="list-style-type: none"> • VP Jourová's tangible points of follow up between the Commission and Spotify were; encouraging joining the Code of Practice on Disinformation; encouraging participation in the European Diversity Month next May; and participating in the consultation of the fitness check of EU consumer law on digital fairness. 	
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European Commission Vice President Jourova encouraged Spotify to join the Disinformation Code, bringing with it censorship obligations.

In December 2022, Vice President Jourova and Commissioner Breton sent another letter in the context of the Russian invasion urging TikTok to moderate alleged disinformation on the platform.²²⁴ Shortly after the letter, in January 2023, Jourova and Breton separately met with TikTok CEO Shou Chew. Jourova “asked about . . . spread of Russian disinformation,” in response to which Chew “elaborated on the TikTok investment in the content moderation practices that aim to limit the effect of hate speech and other ‘toxic content.’”²²⁵ The allusion to “toxic content” harkened back to Jourova’s 2021 meeting with TikTok, indicating that TikTok

²²⁴ Letter from Commissioner Thierry Breton and Vice President Vera Jourova to TikTok (Dec. 22, 2022), *see* Ex. 102.

²²⁵ Readout of meeting between TikTok and European Commission Vice President Vera Jourova (Jan. 10, 2023), *see* Ex. 25.

acted on her demand to censor such content.²²⁶ Chew and Breton also discussed TikTok's "DSA implementation plans" and "commitments and work under the EU Code of Practice on Disinformation."²²⁷

From: Redacted @ec.europa.eu
Sent: Tuesday, January 10, 2023 3:27 PM
Cc: Redacted @ec.europa.eu ; Redacted @ec.europa.eu
Subject: Read out of the meeting between VP Jourová and TikTok CEO
VP Jourová met TikTok CEO Shou Zi Chew on 10 Jan 2023
On the VP question about the using the data of journalists to identify leaks in the company, the CEO confirmed that it was wrong and the people responsible for this do not work for the company any longer.
VP took note of the information provided by the Mr Chew. In particular, the efforts of TikTok to comply with the GDPR and to create a robust system of processing of data of Europeans in Europe. Mr Chew also elaborated on the TikTok investment in the content moderation practices that aim to limit the effect of hate speech and other "toxic content". He stressed that TikTok mission is to inspire creativity and bring joy.

TikTok touted its investment in censoring "toxic content," which Vice President Jourová had urged it to do in prior meetings.

Meetings between the European Commission and platforms on misinformation related to Russia's invasion of Ukraine raise exactly the same problem as the COVID-19 meetings: requirements to report to the Commission on content moderation actions, paired with the Commission's enormous regulatory power, effectively force platforms to change their global content moderation rules. In this case, the European Commission repeatedly asked platforms about global content moderation rules related to the Russian invasion of Ukraine. The platforms knew what the European Commission wanted—more aggressive global rules—and they knew they would have to report to the European Commission on whether they made these changes. Finally, they knew that beginning in 2023, the European Commission would have the power to issue company-altering fines for violations of the DSA's exceedingly vague risk mitigation provision. The combination of these three facts gave platforms little choice but to censor more speech.

ii. The European Commission may have collaborated with the Biden-Harris Administration to censor speech related to the Russian invasion of Ukraine.

The Commission may not have acted alone. Evidence indicates that the Biden-Harris Administration played a supporting role in the Commission's efforts to censor global speech

²²⁶ See Readout of meeting between European Commission Vice President Vera Jourová and multiple platforms (Feb. 22, 2021), *see* Ex. 53.

²²⁷ Emails between TikTok staff and European Commission staff (Jan. 4, 2023), *see* Ex. 24.

about the Russian invasion of Ukraine. In April 2022, the U.S. and the EU signed a joint “Declaration for the Future of the Internet,” urging global internet regulation and naming “the spread of disinformation” as a key problem in the online sphere.²²⁸ In November, the Commission hosted a conference on the Declaration, featuring remarks by then-U.S. National Security Advisor Jake Sullivan.²²⁹ Unsurprisingly, EU officials used the conference to call for aggressive censorship of content related to the Russian invasion of Ukraine. In the conference’s closing address, Vice President Vera Jourová “made a strong call . . . for platforms to step up their action and measures to address disinformation on Ukraine in Central and Eastern Europe.”²³⁰

Following the conference and Jourová’s speech, the European Commission asked platforms to confidentially submit information on “what concrete actions they are planning to take to improve their measures to reduce disinformation on Ukraine in Central and Eastern Europe.”²³¹ YouTube responded to the Commission that it “expanded” its global “major violent events policy to cover content denying, minimizing or trivializing Russia’s invasion in Ukraine” and “removed more than 80,000 videos and 9,000 channels” for violating YouTube’s content moderation rules.²³² While content denying the Russian invasion of Ukraine may have been objectively false, once again, capacious terms like “trivialize” indicate that platforms censored political speech in response to pressure from the European Commission—and potentially the Biden-Harris Administration.

As recalled at the meeting of the subgroup, Vice President Jourová made a strong call in her closing speech for platforms to step up their action and measures to address disinformation on Ukraine in Central and Eastern Europe.

In that view, following up on her call, as indicated at the last meeting of the crisis subgroup, we ask platform signatories to submit a short written summary by the 15th of December, explaining what concrete actions they are planning to take to improve their measures to reduce disinformation on Ukraine in Central and Eastern Europe? We would like you to concentrate in this regard in particular on information related to **detection and content moderation capacities** in the **languages concerned** - as well as **ensuring fact-checking**, with the involvement of human resources and fact-checkers that speak the languages concerned and have a knowledge of the national specificities. Likewise, we would like to understand your **policies and enforcement actions to improve demonetisation efforts in CEE**, i.e. to avoid that advertising is supporting disinformation in these languages, and to avoid that disinformation content in these languages is amplified through advertising or disseminated in the form of advertisements.

A conference highlighting a joint internet regulation initiative between the Biden-Harris Administration and the EU spurred new censorship obligations for platforms.

At best, the Biden-Harris Administration sought to undermine American sovereignty by pushing for global internet regulation. At worst, it used the European Commission to do what the

²²⁸ U.S. DEP’T OF STATE, A DECLARATION FOR THE FUTURE OF THE INTERNET (Apr. 28, 2022).

²²⁹ *High-level multi-stakeholder event on the Future of the Internet*, EUROPEAN COMM’N (Nov. 2, 2022), <https://digital-strategy.ec.europa.eu/en/events/high-level-multi-stakeholder-event-future-internet>.

²³⁰ Emails between TikTok staff and European Commission staff (Dec. 14, 2022), *see* Ex. 100 (emphasis omitted).

²³¹ *Id.*

²³² Crisis Response Subgroup: Written input on planned actions to reduce Ukraine related disinformation in Central and Eastern Europe (Nov. 28, 2022), *see* Ex. 92.

First Amendment prohibits: pressuring platforms to change their content moderation rules and censor Americans.

In any event, the European Commission likely did not need the Biden-Harris Administration’s help. Throughout 2022 and 2023, in at least 14 meetings, the Commission asked platforms how they had or were planning to change their global content moderation rules to censor more content related to the Russian invasion of Ukraine.²³³

F. Regulators and NGOs frequently pressured platforms to change rules about moderation of misinformation and disinformation in meetings of Disinformation Code signatories.

In 2022, platforms made additional censorship commitments to the European Commission under a “strengthened” Disinformation Code.²³⁴ These new commitments included participating in regular meetings of a Disinformation Code Task Force, which would be responsible for monitoring platforms’ compliance and offer a forum for European regulators and NGOs to interact with platforms.²³⁵ In these meetings—at least 94 between 2022 and 2024—European regulators had the opportunity to solicit information about platforms’ misinformation policy changes, implicitly encouraging them to censor more content during the key period when the DSA was coming into force.

The task force’s work was done primarily in topic-focused subgroups. These included subgroups on “crisis response,” “integrity of services,” “ad scrutiny,” “fact-checking,” “generative AI,” and “monitoring and reporting,” as well as a “working group on elections.” In each of these subgroups, platform representatives met with European Commission regulators and interested NGOs, offering a regular forum for censorship demands.

Although the Disinformation Code is billed as “voluntary,” these meetings were not. In one internal Alphabet email chain, employees noted that the company “[did not] really have a choice” whether to participate—it was effectively mandatory.²³⁶ And the meetings occurred under the watchful eye of the European Commission. Platforms noted internally that the European Commission had “strong” input on each group’s agenda and “heavily pressed” its favored initiatives in the meetings.²³⁷

²³³ See *supra* Sec. III.E.i.

²³⁴ See *The 2022 Code of Practice on Disinformation*, EUROPEAN COMM’N (last accessed Jan. 29, 2026), <https://digital-strategy.ec.europa.eu/en/policies/code-practice-disinformation>.

²³⁵ Disinformation Code, *supra* note 124, § IX.

²³⁶ Internal emails among Google staff (June 22, 2023), *see* Ex. 2.

²³⁷ *Id.*

Hi [REDACTED] - we won't know cadence and expected outputs before some time closer to first meeting when we have a sense of proposed terms of reference.

Structure is like all other CoP working groups - we participate as part of the EU CoP permanent taskforce; other members across industry, civil society, fact-checkers can join as well; co-chairs set the agenda under (strong) impetus from the EU Commission; decision is taken by "consensus" -- but consensus can be heavily pressed by the EC if they disagree with where it's going.

On Thu, Jun 22, 2023, 09:03 [REDACTED] <[REDACTED]@google.com> wrote:

See below - the EC is opening the GAI subgroup under the Code of Practice. I assume we want to join (we don't really have a choice), but do we also want to co-chair it?

Thanks for your thoughts,

Google staff noted that participation in Disinformation Code subgroup meetings was effectively mandatory, and that the Commission retained significant control over the agenda and group initiatives.

- i. *The European Commission regularly inquired about platforms' censorship activities during meetings of the Disinformation Code Crisis Response Subgroup.*

The most prolific Disinformation Code subgroup was the Crisis Response Subgroup, intended to be a forum for platforms to discuss how they were handling misinformation and disinformation related to large-scale crisis events. Agendas from these meetings, however, show that they were actually a forum for the European Commission and ideologically-aligned NGOs to harass platforms—including Facebook, Microsoft, TikTok, Twitter, and Google²³⁸—and tell them to change their content moderation rules.

²³⁸ See, e.g., Email from European Commission staff to Code of Practice on Disinformation Signatories (Aug. 10, 2022), *see* Ex. 81.

Between 2022 and 2024, the Crisis Response Subgroup met at least 30 times, with at least 13 of those meetings touching on platform content moderation rules.²³⁹ Most often, the Commission inquired about content moderation rules related to COVID-19 and the Russian invasion of Ukraine. A characteristic meeting agenda asked platforms to share “new developments *and actions* related to fighting disinformation,” specifically inquiring about

²³⁹ Email from European Commission staff to Code of Practice on Disinformation Signatories (June 27, 2022), *see* Ex. 79; Agenda: Second Meeting of the Code of Practice’s Permanent Task-Force (July 5, 2022), *see* Ex. 80; Email from European Commission staff to Code of Practice on Disinformation Signatories (Aug. 10, 2022), *see* Ex. 81; Agenda: First Meeting of the Permanent Task-Force Crisis Response Subgroup (Aug. 10, 2022), *see* Ex. 189; Meeting invitation from European Commission Staff to Code of Practice on Disinformation Signatories (Aug. 24, 2022), *see* Ex. 82; Email from European Commission staff to Code of Practice on Disinformation Signatories (Sep. 1, 2022), *see* Ex. 83; Agenda: Meeting of the Permanent Task-Force Crisis Response Subgroup (Sep. 7, 2022), *see* Ex. 191; Email from European Commission staff to Code of Practice on Disinformation Signatories (Sep. 20, 2022), *see* Ex. 87; Agenda: Meeting of the Permanent Task-Force Crisis Response Subgroup (Sep. 21, 2022), *see* Ex. 190; Agenda: Meeting of the Permanent Task-Force Crisis Response Subgroup (Oct. 5, 2022), *see* Ex. 203; Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Oct. 19, 2022), *see* Ex. 89; Agenda: Meeting of the Permanent Task-Force Crisis Response Subgroup (Oct. 19, 2022), *see* Ex. 202; Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Nov. 15, 2022), *see* Ex. 91; Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Nov. 30, 2022), *see* Ex. 93; Agenda: Meeting of the Permanent Task-Force Crisis Response Subgroup (Nov. 30, 2022), *see* Ex. 201; Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Dec. 8, 2022), *see* Ex. 97; Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Dec. 14, 2022), *see* Ex. 101; Agenda: Meeting of the Permanent Task-Force Crisis Response Subgroup (Dec. 14, 2022), *see* Ex. 196; Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Jan. 11, 2023), *see* Ex. 103; Agenda: Meeting of the Permanent Task-Force Crisis Response Subgroup (Jan. 11, 2023), *see* Ex. 195; Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Feb. 8, 2023), *see* Ex. 107; Agenda: Meeting of the Permanent Task-Force Crisis Response Subgroup (Feb. 8, 2023), *see* Ex. 194; Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Feb. 22, 2023), *see* Ex. 110; Agenda: Meeting of the Permanent Task-Force Crisis Response Subgroup (Feb. 22, 2023), *see* Ex. 193; Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Mar. 8, 2023), *see* Ex. 111; Agenda: Meeting of the Permanent Task-Force Crisis Response Subgroup (Mar. 8, 2023), *see* Ex. 199; Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Mar. 24, 2023), *see* Ex. 113; Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Apr. 19, 2023), *see* Ex. 116; Agenda: Meeting of the Permanent Task-Force Crisis Response Subgroup (Apr. 19, 2023), *see* Ex. 192; Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (May 16, 2023), *see* Ex. 121; Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (May 16, 2023), *see* Ex. 120; Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (June 23, 2023), *see* Ex. 125; Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Oct. 9, 2023), *see* Ex. 140; Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Oct. 27, 2023), *see* Ex. 143; Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Jan. 24, 2024), *see* Ex. 150; Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Apr. 17, 2024), *see* Ex. 156; Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (May 15, 2024), *see* Ex. 158; Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (June 12, 2024), *see* Ex. 165; Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (July 10, 2024), *see* Ex. 167; Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Aug. 7, 2024), *see* Ex. 169; Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Sept. 4, 2024), *see* Ex. 171; Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Oct. 2, 2024), *see* Ex. 176.

“policy changes”—ensuring that the Commission knew in real-time whether platforms were responding to its censorship inquiries.²⁴⁰

AGENDA	
MEETING OF THE PERMANENT TASK-FORCE CRISIS RESPONSE SUBGROUP	
14 December	
16:30 – 18:00	
1. Opening and Welcoming remarks	
2. Sharing of new developments and actions taken related to fighting disinformation	
a. <i>War in Ukraine</i> : Disinformation narratives, e.g. about Russian bombing of Ukrainian civilian energy infrastructure, on sanctions in connection with the energy crisis, inflation and food shortages in developing countries.	
b. <i>Public Health and Pandemic</i> : Disinformation narratives related to COVID-19 and new actions taken by signatories to limit such disinformation (including any policy changes)	
<i>Wherever possible, please share input ahead of the meeting in writing to keep the discussion round efficient and concentrate in the oral interventions on new developments and priority issues, in particular new policy changes and latest developments on trends and narratives.</i>	
3. Discussion: Signatories future plans for actions and policies to fight Covid-19 misinformation and disinformation	
4. Information Point: Final crisis reporting template adopted	
5. Any other business	

A characteristic agenda for meetings between the European Commission, platforms, and NGOs where the Commission applied pressure to change content moderation policies.

Sometimes, the Commission made additional demands of the subgroup. In one December 2022 meeting, after the updated Disinformation Code had been enacted, the group sought to decide how “crisis reporting” would work under the new Disinformation Code.²⁴¹ Platforms

²⁴⁰ Agenda: Meeting of the Permanent Task-Force Crisis Response Subgroup (Dec. 14, 2022) (emphasis added), *see* Ex. 196.

²⁴¹ Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Dec. 8, 2022), *see* Ex. 97.

wanted to report only on “policy-violative” misinformation—content that was removed for breaking their content moderation guidelines (which were also subject to Commission pressure).²⁴² The Commission’s proposed edits to the draft Disinformation Code indicate that it wanted more—information on *all* alleged misinformation related to COVID-19 or the Russian invasion of Ukraine, whether it broke platform rules or not.²⁴³ The Commission’s aim was clear: to establish which platforms were not censoring enough so it could pressure them to change their global content moderation policies using the recently-passed DSA.

<p>Reporting on the service’s efforts-response in-during the framework of the [COVID/UKRAINE] crisis</p> <p>[Note: operational responses to crisis situations can vary from service to service. Signatories are requested to provide information relevant to their particular response to the threats and challenges they observed on their service(s). An absence of information should not be considered a shortfall in the way a particular service has responded.]</p>
<p>Overview of the main threats observed, such as crisis related disinformation campaigns, spread of policy-violative misinformation, coordinated manipulative behaviours, malicious use of advertising products, involvement of foreign state actors, etc. (max 500 words)</p>
<p>Executive summary of the company’s main strategies and actions taken to mitigate the identified threats and react to the crisis (max 500 words)</p>
<p>Learnings and best practices identified for future crisis situations (max 500 words)</p>
<p>Future plans for the next six months (max 500 words)</p>

The European Commission’s edits to the draft Disinformation Code, in blue, expanded the scope of misinformation reporting from “policy-violative” misinformation to all misinformation.

European Commission regulators also frequently made election-related demands during meetings of the Crisis Response subgroup. After the Slovak parliamentary elections in September 2023, the Commission asked platforms to report on “actions taken to mitigate” alleged “disinformation” during the election.²⁴⁴ And in January 2024, six months before the European Parliament elections, the Commission notified platforms that it would “put a strong emphasis on . . . your updates on the state of play of your preparations for the EP elections” over the coming months—meaning that it wanted frequent updates about additional censorship measures ahead of the EU elections.²⁴⁵

The Crisis Response Subgroup was one of the key mechanisms by which the Commission kept platforms under a close, watchful eye. In at least 29 meetings across three years, on topics including COVID-19, the Russian invasion of Ukraine, and key European elections, the European Commission repeatedly asked platforms about how they were censoring alleged misinformation and disinformation—implying that the platforms needed to change their “policies” that apply worldwide to do so.

²⁴² Draft form for *Reporting on the service’s response during the of the [COVID/Ukraine] crisis*, see Ex. 200.

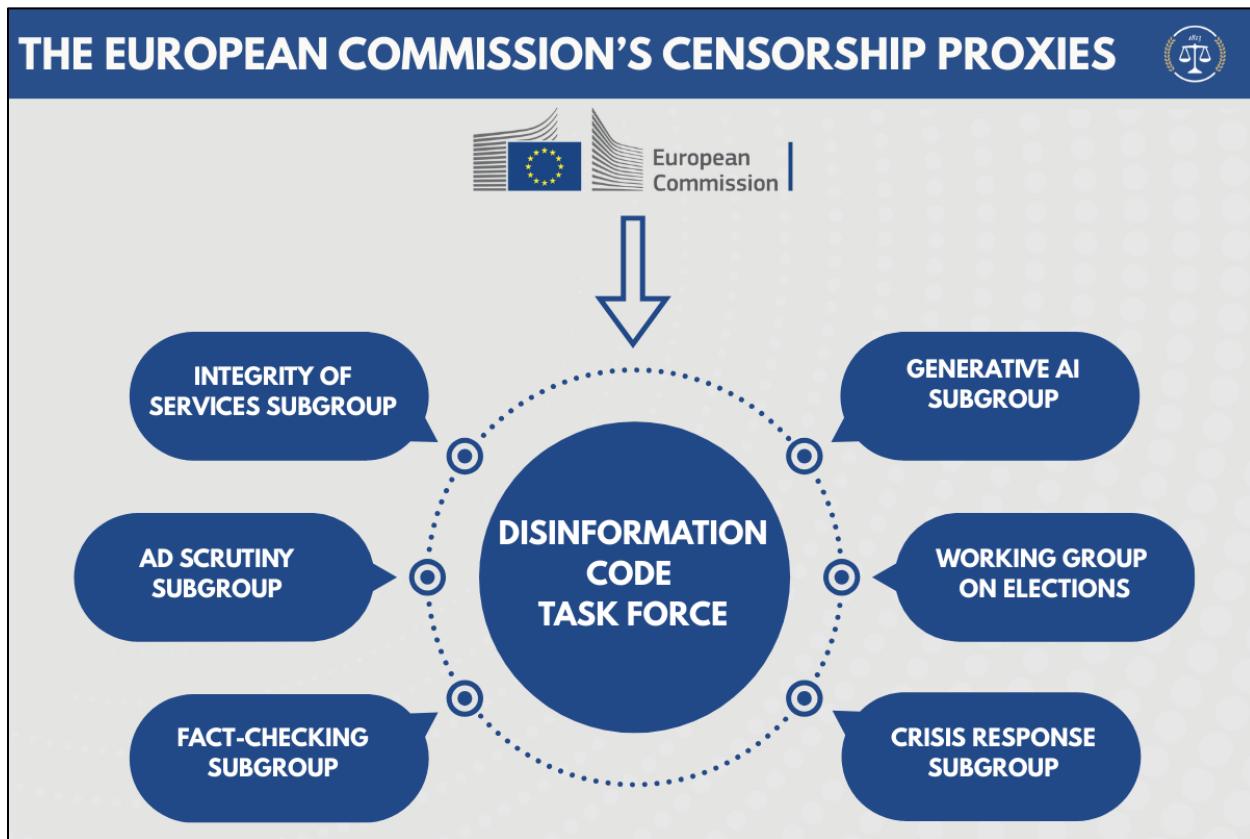
²⁴³ *Id.*

²⁴⁴ Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Oct. 9, 2023), *see* Ex. 140.

²⁴⁵ Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Jan. 24, 2024), *see* Ex. 150.

ii. *Other subgroups offered additional avenues for the Commission to make censorship demands of companies.*

The Crisis Response Subgroup may have been the most prolific subgroup working under the auspices of the Disinformation Code Task Force, but it was far from the only one. European Commission regulators appear to have encouraged censorship in meetings of at least six other subgroups. They are briefly discussed here.



- **Integrity of Services Subgroup.** “Integrity of Services” is the Commission’s euphemism for ‘services that only allow favored content.’²⁴⁶ This subgroup met at least five times in 2022 and 2023.²⁴⁷

²⁴⁶ See Disinformation Code, *supra* note 124, § 4. (“Relevant Signatories recognise the importance of intensifying and demonstrating the effectiveness of efforts to ensure the **integrity of services** by implementing and promoting safeguards against both misinformation and disinformation.”)

²⁴⁷ Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Dec. 13, 2022), *see* Ex. 99; Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Feb. 16, 2023), *see* Ex. 108; Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (June 27, 2023), *see* Ex. 109; Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Oct. 2, 2023), *see* Ex. 134; Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Oct. 13, 2023), *see* Ex. 141.

- **Ad Scrutiny Subgroup.** This subgroup sought to stop ad dollars from flowing to websites alleged to host “disinformation”²⁴⁸—most often, conservative news outlets. This subgroup was led by organizations at the center of a similar American effort, including the Global Alliance for Responsible Media (GARM) and NewsGuard, indicating that the Commission sought to organize a similar campaign in Europe.²⁴⁹ The Committee’s oversight has previously found that GARM colluded with foreign regulators to pressure Twitter to censor more speech in exchange for additional advertising dollars.²⁵⁰ GARM’s co-founder, Robert Rakowitz “stated that silencing President Trump was his ‘main thing,’ likening the President’s rhetoric to a ‘contagion.’”²⁵¹ Following the Committee’s oversight, GARM ceased operations in August 2024.²⁵² The Ad Scrutiny Subgroup met at least eight times in 2022 and 2023,²⁵³ and sought to require platforms to report to the Commission on the volume of ad dollars that platforms blocked from flowing to alleged disinformation sites.²⁵⁴
- **Fact-Checking Subgroup.** This subgroup was intended to “empower” fact-checkers—most often, censorious left-wing NGOs—and encourage platforms to listen to them.²⁵⁵ Internal materials indicate that the group also sought to create a “repository of fact-checks,” meaning a database of Commission-approved narratives about leading political and cultural events.²⁵⁶ Platforms would then be expected to cross-reference against this database to determine what needed to be censored under the DSA, and what did not. During these meetings, Commission regulators and NGOs

²⁴⁸ *New SLI on demonetisation efforts, capturing the financial value (Euros) of actions taken*, see Ex. 188.

²⁴⁹ See STAFF OF THE H. COMM. ON THE JUDICIARY, 118TH CONG., GARM’S HARM: HOW THE WORLD’S BIGGEST BRANDS SEEK TO CONTROL ONLINE SPEECH (Comm. Print July 10, 2024); STAFF OF THE H. COMM. ON THE JUDICIARY, 119TH CONG., EXPORTING CENSORSHIP: HOW GARM’S ADVERTISING CARTEL HELPED CORPORATIONS COLLUDE WITH FOREIGN GOVERNMENTS TO SILENCE AMERICAN SPEECH (Comm. Print June 27, 2025).

²⁵⁰ STAFF OF THE H. COMM. ON THE JUDICIARY, 119TH CONG., EXPORTING CENSORSHIP: HOW GARM’S ADVERTISING CARTEL HELPED CORPORATIONS COLLUDE WITH FOREIGN GOVERNMENTS TO SILENCE AMERICAN SPEECH at 2 (Comm. Print June 27, 2025).

²⁵¹ *Id.* at 2.

²⁵² WFA *Discontinues GARM*, WORLD FEDERATION OF ADVERTISERS (Aug. 9, 2024).

²⁵³ Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Sep. 2, 2022), see Ex. 84; Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Sep. 19, 2022), see Ex. 86; Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Jan. 30, 2023), see Ex. 104; Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Feb. 13, 2023), see Ex. 105; Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (May 30, 2023), see Ex. 106; Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (June 13, 2023), see Ex. 124; Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (July 3, 2023), see Ex. 127; Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Oct. 2, 2023), see Ex. 137.

²⁵⁴ *New SLI on demonetisation efforts, capturing the financial value (Euros) of actions taken*, see Ex. 188.

²⁵⁵ Email from European Commission staff to Code of Practice on Disinformation Signatories (Mar. 27, 2023), see Ex. 114.

²⁵⁶ Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Mar. 30, 2023), see Ex. 115.

also evaluated data related to platforms' use of fact-checkers.²⁵⁷ The Fact-Checking Subgroup met at least 18 times in 2023 and 2024.²⁵⁸

- **Generative AI Subgroup.** This group met at least three times in late 2023 and early 2024 to discuss platforms' approach to AI-generated content.²⁵⁹ The Commission has consistently called for aggressive censorship of this content,²⁶⁰ and subgroup members included Logically.AI, a British firm that has used AI tools to target social media content for censorship on behalf of governments around the world.²⁶¹
- **Working Group on Elections.** In addition to the Crisis Response Subgroup's election focus, the Commission created an additional group of Disinformation Code signatories where platforms and regulators could discuss elections exclusively. With the Commission's express backing, fact-checkers asked platforms about "what measures they [were] putting in place" ahead of certain European elections, specifically inquiring about "pre-bunking content."²⁶² The Commission's election activities were far from even-handed.²⁶³ This was likely a key touch-point for the Commission to share its censorship expectations with platforms ahead of elections. The Elections Working Group met at least eight times in 2023.²⁶⁴

²⁵⁷ Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Nov. 6, 2023), *see* Ex. 145.

²⁵⁸ Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Mar. 30, 2023), *see* Ex. 115; Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Apr. 26, 2023), *see* Ex. 117; Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (May 10, 2023), *see* Ex. 118; Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (May 5, 2023), *see* Ex. 119; Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (June 6, 2023), *see* Ex. 123; Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (June 28, 2023), *see* Ex. 126; Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (July 13, 2023), *see* Ex. 128; Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Sep. 6, 2023), *see* Ex. 133; Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Sep. 22, 2023), *see* Ex. 135; Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Oct. 3, 2023), *see* Ex. 138; Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Oct. 18, 2023), *see* Ex. 142; Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Nov. 6, 2023), *see* Ex. 145; Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Nov. 6, 2023), *see* Ex. 144.

²⁵⁹ Email from European Commission staff to Code of Practice on Disinformation Signatories (July 25, 2023), *see* Ex. 129; Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Nov. 17, 2023), *see* Ex. 146; Email from European Commission staff to Code of Practice on Disinformation Signatories (Dec. 18, 2023), *see* Ex. 149.

²⁶⁰ *See infra* Sec. III.G.ii.

²⁶¹ *See* Lee Fang, *Logically.AI of Britain and the Expanding Global Reach of Censorship*, REALCLEARINVESTIGATIONS (Jan. 25, 2024).

²⁶² Emails from European Commission staff to members of the Working Group on Elections (Sep. 1, 2023), *see* Ex. 220.

²⁶³ *See infra* Sec. V.B.

²⁶⁴ Meeting invitation from European Commission staff to the members of the Working Group on Elections (Apr. 27, 2023), *see* Ex. 212; Meeting agenda from European Commission staff to members of the Working Group on Elections (June 22, 2023), *see* Ex. 213; Meeting invitation from European Commission staff to the members of the Working Group on Elections (July 18, 2023), *see* Ex. 215; Meeting invitation from European Commission staff to

- **Steering Committee of the Crisis Response Subgroup and Working Group on Elections.** This group included select members of Crisis Response Subgroup and the Working Group on Elections and developed a “risk assessment methodology and a rapid response system for crisis situations.”²⁶⁵ “Risk assessment methodology” appears to refer to a system of best practices for DSA compliance, while Rapid Response Systems allowed certain government-approved third parties to make fast-track censorship requests to platforms ahead of major events, including elections around Europe.²⁶⁶ This group met at least seven times in late 2023.²⁶⁷

The Commission also hosted periodic “plenary sessions,” in which subgroups reported their work out to all signatories of the Disinformation Code and discussed the Disinformation Code’s formal incorporation as a Code of Practice under the DSA.²⁶⁸ These events featured remarks from top Commission officials, including Vice President Vera Jourová and Commissioner Thierry Breton. Disinformation Code signatories met in plenary at least 15 times between 2022 and 2025.²⁶⁹

the members of the Working Group on Elections (Sep. 5, 2023), *see* Ex. 216; Meeting invitation from European Commission staff to the members of the Working Group on Elections (Sep. 15, 2023), *see* Ex. 217; Meeting invitation from European Commission staff to the members of the Working Group on Elections (Sep. 20, 2023), *see* Ex. 223; Meeting invitation from European Commission staff to the members of the Working Group on Elections (Nov. 30, 2023), *see* Ex. 233; Meeting invitation from European Commission staff to the members of the Working Group on Elections (Dec. 20, 2023), *see* Ex. 235.

²⁶⁵ Email from European Commission staff to Code of Practice on Disinformation Signatories (Sep. 6, 2023), *see* Ex. 132.

²⁶⁶ *See infra* Sec. V.B.

²⁶⁷ Meeting invitation from European Commission staff to the Crisis/Elections Steering Committee (Sep. 25, 2023), *see* Ex. 225; Meeting invitation from European Commission staff to the Crisis/Elections Steering Committee (Oct. 6, 2023), *see* Ex. 226; Meeting invitation from European Commission staff to the Crisis/Elections Steering Committee (Oct. 13, 2023), *see* Ex. 227; Meeting invitation from European Commission staff to the Crisis/Elections Steering Committee (Oct. 23, 2023), *see* Ex. 228; Meeting invitation from European Commission staff to the Crisis/Elections Steering Committee (Oct. 27, 2023), *see* Ex. 229; Meeting invitation from European Commission staff to the Crisis/Elections Steering Committee (Nov. 14, 2023), *see* Ex. 232; Meeting invitation from European Commission staff to the Crisis/Elections Steering Committee (Nov. 30, 2023), *see* Ex. 234.

²⁶⁸ Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Sep. 14, 2022), *see* Ex. 85; Email from European Commission staff to Code of Practice on Disinformation Signatories (Dec. 2, 2022), *see* Ex. 94; Agenda: Fifth plenary meeting of the Code of Practice’s permanent Task-Force (June 5, 2023), *see* Ex. 122; Emails between European Commission staff and TikTok staff (May 23, 2024), *see* Ex. 160; Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (May 23, 2024), *see* Ex. 161; Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (June 6, 2024), *see* Ex. 164; Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (June 21, 2024), *see* Ex. 246; Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Sep. 16, 2024), *see* Ex. 173; Agenda: Eighth Plenary Meeting of the Code of Practice’s Permanent Task-Force (Oct. 1, 2024), *see* Ex. 254; Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Dec. 13, 2024), *see* Ex. 180; Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Dec. 16, 2024), *see* Ex. 182; Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Dec. 16, 2024), *see* Ex. 187.

²⁶⁹ *Id.*

iii. The Commission monitored platforms' participation in these groups.

The sheer number of meetings imposed significant burdens on platform personnel. On top of the onerous obligations of DSA and Disinformation Code compliance, staff now spent hours being lectured by European Commission regulators and censorious NGOs. One Microsoft staffer wrote to the Commission in July 2023, noting that the meetings created a “tremendous workload” for Disinformation Code signatories.²⁷⁰

El jue, 20 jul 2023 a las 14:20, [REDACTED] (<[REDACTED]@microsoft.com>) escribió:

As indicated during yesterday's meeting (and earlier ones), given the tremendous workload not just for this SG, but also with the eight other existing SGs/WGs and the upcoming three new ones, we really want to ensure we focus the work in the Taskforce onto those aspects that we explicitly committed to in the Code. So unless I overlooked the point in the Code where the Taskforce was given a role regarding the "integration, showcasing, or otherwise consistent use of fact-checkers' work in the signatories' services, processes, and contents", we would suggest to remove this from the scope and purpose of the ToR.

A Microsoft employee described the workload associated with meetings of the Disinformation Code Task Force as “tremendous.”

The European Commission would even sternly warn platforms if they did not adequately engage in these “voluntary” commitments. On November 29, 2023, the Commission emailed representatives from Google, Meta, Microsoft, and TikTok saying that it “regretted to see a substantial drop in engagement” from platforms during Crisis Response Subgroup meetings.²⁷¹ Implicit in the message was that platform staff should not take a step back from these ostensibly voluntary meetings. These Disinformation Code meetings were critical touchpoints for the European Commission to convey censorship demands to companies, so the Commission warned them that it was keeping track of who was—and more importantly, who was not—showing up.

²⁷⁰ Emails among Commission staff and Code of Practice on Disinformation Signatories (July 20, 2023), *see* Ex. 131.

²⁷¹ Email from European Commission staff to Code of Practice on Disinformation Signatories (Nov. 29, 2023), *see* Ex. 147.

From: CNECT-COP-TASK-FORCE@ec.europa.eu [CNECT-COP-TASK-FORCE@ec.europa.eu]
Sent: 11/29/2023 5:48:21 AM
To: [REDACTED]@google.com; [REDACTED]@meta.com; [REDACTED]@microsoft.com; [REDACTED]@bytedance.com
CC: [REDACTED]@google.com; [REDACTED]@microsoft.com; [REDACTED]@linkedin.com; STUMP Krisztina (Microsoft); [REDACTED]@microsoft.com; Maud Sacquet [REDACTED]@ec.europa.eu; RABBACHIN Alberto (CNECT); [REDACTED]@ec.europa.eu; BIRGER Albin [REDACTED]@ec.europa.eu; BLASCHKE Yannic [REDACTED]@ec.europa.eu; GILLET Jeanne [REDACTED]@ec.europa.eu
Subject: RE: Crisis Response Subgroup (CoP Task-force) Meeting

This Message Is From an External Sender

Dear all,

Ahead of today's meeting of the crisis response group, we are reaching out separately to those of you who have very large online platform or very large online search engine services subscribed to the Code.

Through the course of the last meetings of the subgroup, we have regretted to see a substantial drop in engagement from your side with regards to attendance, taking the floor, or both. In order to ensure a useful exchange that includes views from the full range of signatories, we want to invite you to take a more active role again. In our view, even if you do not have additional observations to report for your respective services, the confirmation that this is the case is useful information to the subgroup and helps to maintain an informed overview of the state of play.

Kind regards,

The CoP Disinfo Team

The European Commission warned platforms that it was monitoring who was showing up to meetings of Disinformation Code signatories.

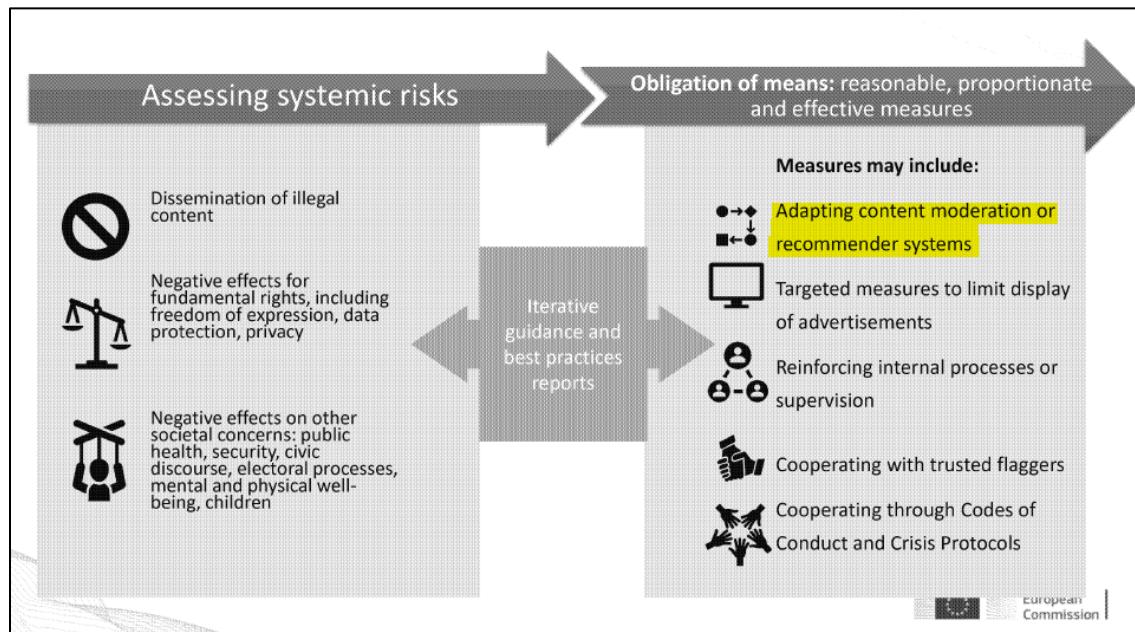
G. Since the passage of the DSA, European Commission regulators have regularly pressured platforms to change their global content moderation rules.

The DSA was signed into law in October 2022 and became enforceable in August 2023. Platforms had known the DSA was coming since 2020 and acted accordingly. Nonetheless, the DSA cemented the European Commission's global censorship campaign, granting it sweeping new enforcement powers that could—and would—be used to force non-EU platforms to change their global content moderation policies and censor content disfavored by European bureaucrats.

- i. Before the DSA took effect, the European Commission told platforms that changes to content moderation rules would be a key DSA “risk mitigation.”*

In the pre-enforcement period between October 2022 and August 2023, the European Commission engaged extensively with platforms about the obligations they faced under the DSA. Unsurprisingly, the European Commission had a clear message: platforms would need to change their global content moderation rules to comply with Europe's sweeping new digital censorship law. In fact, it began even before the DSA was officially signed. At a conference

attended by regulators and platforms in September 2022, the European Commission presented on the “Digital Services Act & Algorithmic amplification.”²⁷² The Commission’s presentation stated that risk mitigation—a requirement under Article 35 of the DSA—included “adapting content moderation or recommender systems” and “cooperating through Codes of Conduct and Crisis Protocols.”²⁷³ The conference further confirmed that platforms would need to change their content moderation rules to comply with the DSA and that the Hate Speech and Disinformation Codes were not truly voluntary.



The European Commission’s presentation to platforms noted that DSA risk mitigation included changes to “content moderation . . . systems” and compliance with *Codes of Conduct*.

The European Commission also met individually with platforms in the fall of 2022. In September, the Commission met with TikTok for a baseline discussion on how it “deal[t] with transparency and content moderation more broadly”—clear evidence that the Commission considered content moderation in bounds for regulation under the DSA.²⁷⁴ In November, the Commission met with TikTok again—this time to discuss its “approach” to DSA “risk assessment.”²⁷⁵

Finally, shortly before the DSA took effect in August 2023, the Commission sent platforms a document detailing its “expectations” for DSA risk assessment and mitigation. The document noted that risk assessment should focus on “content moderation systems and applicable terms and conditions and their enforcement.”²⁷⁶ Under the DSA, platforms are required to “mitigat[e]” risks that they assess.²⁷⁷ Risks posed by “content moderation systems

²⁷² European Commission Slide Deck: *Digital Services Act & Algorithmic amplification* (Sep. 29, 2022), see Ex. 30.

²⁷³ *Id.*

²⁷⁴ Emails between TikTok staff and European Commission staff (Nov. 9, 2022), see Ex. 23.

²⁷⁵ *Id.*

²⁷⁶ Annex: Information on the Risk Assessment Reports (Aug. 11, 2023), see Ex. 289.

²⁷⁷ Digital Services Act, *supra* note 26, art. 35.

and applicable terms and conditions”²⁷⁸ had to be mitigated by altering the systems and the terms. It was the clearest evidence yet that the Commission intended to use the DSA to regulate platforms’ global content moderation rules.

ii. Formal requests for information (RFIs) under the DSA inquire about platforms’ content moderation rules and imply that changes may be required for compliance.

Enforcement of the DSA began rapidly after it came into force. Within weeks, the Commission opened investigations into platforms’ moderation of “hate speech,” “illegal content,” and election-related content.²⁷⁹ Formal documents opening DSA investigations, known as “requests for information” (RFIs), shine a light on what type of content the Commission wanted platforms to moderate. Unsurprisingly, the Commission directed platforms to change their global content moderation rules to censor content it disfavored.

After Hamas’s brutal terrorist attack on Israel on October 7, 2023, the Commission issued an RFI to TikTok on October 19, asking it “questions related to . . . applicable terms and conditions and their enforcement,” including whether “TikTok put in place any additional measures . . . to mitigate the risks related to wide dissemination of violent behaviors and hate speech in the context of the Hamas-Israeli conflict.”²⁸⁰ Unlike prior requests, the DSA was in full effect now and the threat of retaliation was real. No longer were DSA proceedings and fines reaching six percent of global revenue a potential future threat.²⁸¹ If the Commission did not approve of TikTok’s answers to these specific questions and if the Commission did not approve of the “measures” that TikTok adopted, then the Commission could begin the process of levying massive financial penalties. Here, the European Commission, in one of its first RFIs under the DSA, not-so-subtly urged TikTok to take additional censorship “measures,” which could take the form of global content moderation rule changes.²⁸²

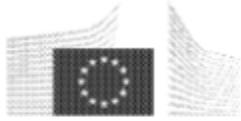
²⁷⁸ Annex: Information on the Risk Assessment Reports (Aug. 11, 2023), *see* Ex. 289.

²⁷⁹ *See Daily News 19/10/2023*, EUROPEAN COMM’N (Oct. 19, 2023), https://ec.europa.eu/commission/presscorner/detail/en/mex_23_5145.

²⁸⁰ Commission RFI to TikTok (Oct. 19, 2023), *see* Ex. 290; TikTok Response to Commission RFI (Nov. 4, 2023), *see* Ex. 6; TikTok Response to Commission RFI (Nov. 17, 2023), *see* Ex. 7.

²⁸¹ Digital Services Act, *supra* note 26, art. 52.

²⁸² Commission RFI to TikTok (Oct. 19, 2023), *see* Ex. 290; TikTok Response to Commission RFI (Nov. 4, 2023), *see* Ex. 6; TikTok Response to Commission RFI (Nov. 17, 2023), *see* Ex. 7.



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR COMMUNICATIONS NETWORKS, CONTENT AND
TECHNOLOGY
Platforms Policy and Enforcement
Digital Services

Brussels, 19 October 2023

SENSITIVE (*)

TikTok Technology Limited
10 Earlsfort Terrace
Dublin
D02 T380
Ireland

[Redacted] via email:
[Redacted]tiktok.com

Subject: Request for information pursuant to Article 67(1) and Article 34(3) of Regulation (EU) 2022/2065 regarding TikTok's compliance with Regulation (EU) 2022/2065, in particular with its provisions 16(6), 34, and 35.

B. Questions related to the applicable terms and conditions and their enforcement.

ii. Please explain whether TikTok put in place any additional measures as of 7 October 2023 to mitigate the risks related to wide dissemination of violent behaviours and hate speech in the context of the Hamas-Israeli conflict, and explain what these concrete measures are.

The European Commission's first RFI under the DSA asked questions about TikTok's global content moderation rules related to the October 7 attacks.

In March 2024, the Commission issued TikTok an RFI on AI-generated content, once again asking questions about—and thereby implying that changes were required in—its global content moderation rules.²⁸³ This time, the Commission more specifically targeted TikTok's content moderation policies, asking for information about “TikTok's internal guidelines, policies, and practices” and “content moderation actions” for AI-generated content.²⁸⁴ The Commission also asked TikTok for information about “policies or procedures in place to address issues that may arise related to the viral dissemination of Generative AI content” and how TikTok prevents AI systems from “resembl[ing] existing persons, objects, places, entities, [and]

²⁸³ Commission RFI to TikTok (Mar. 14, 2024), see Ex. 291.

²⁸⁴ *Id.*

events.”²⁸⁵ The RFI once again shows the Commission’s abiding focus on platforms’ global content moderation rules. It also indicates that the Commission treats AI-generated content as an *ipso facto* threat rather than having the potential to help individuals express themselves more fully. Indeed, the Commission wrote that Generative AI content might pose a systemic risk under the DSA—thereby imposing a censorship obligation on platforms—because of its potential “negative effects” on “human dignity.”²⁸⁶ This standard is completely malleable and offers little clarity, potentially leading to over-removal of lawful content. In response to this RFI, TikTok noted to the Commission that it planned to introduce “large scale moderation” of AI-generated content using automated systems and demote AI content deemed “potentially misleading”²⁸⁷

<p>A. In relation to the dissemination of Generative AI content related to risks for civic discourse and electoral processes</p> <p>1. Please set out in detail internal guidelines, policies, and practices related to Generative AI content in TikTok. This includes content generated on other platforms or within TikTok’s services. Additionally, please describe in detail how TikTok enforces such policies.</p>
<p>II. As regards the risk assessment and risk mitigation measures (compliance with Articles 34 and 35 of Regulation 2022/2065) in regard to risks stemming from Generative AI (other than those already addressed in the previous section devoted to civic discourse and electoral processes)</p> <p>The Commission has reasons to suspect that TikTok may not be compliant with Articles 34 and 35 of Regulation (EU) 2022/2065 with particular reference to specific risks stemming from Generative AI content (e.g., deepfakes), in relation to the dissemination of illegal content, on any actual or foreseeable negative effects on the exercise of fundamental rights, including human dignity, non-discrimination, protection of personal data protection, consumer protection and intellectual property, gender-based violence and the protection of public health, public security, minors and mental and physical well-being.</p>

A March 2024 RFI implied that TikTok needed to do more to censor AI-generated content.

Finally, in October 2024, the European Commission issued an RFI inquiring how TikTok’s content moderation and recommender systems affect “electoral processes and civic discourse.”²⁸⁸ The Commission demanded documents “analyzing and assessing whether and how all of TikTok’s recommender systems and other relevant algorithmic systems influence risks to electoral processes, civic discourse and public security, [and] illegal hate speech,” among other topics.²⁸⁹ Once again, this represented an attempt by the Commission to pressure TikTok into changing its content moderation policies. Moreover, given that platforms’ policies are global in scope, the European Commission’s pressure regarding election-related speech policies may have an impact in elections outside of the European Union.²⁹⁰

²⁸⁵ *Id.*

²⁸⁶ *Id.*

²⁸⁷ Letter from TikTok to European Commission (Apr. 5, 2024), *see* Ex. 9.

²⁸⁸ Commission RFI to TikTok (Oct. 2, 2024), *see* Ex. 296; *see* TikTok Response to Commission RFI (Oct. 2, 2024), Ex. 295.

²⁸⁹ Commission RFI to TikTok (Oct. 2, 2024), *see* Ex. 296.

²⁹⁰ *See infra* Sec. V.B.

iii. *The European Commission’s “best practices” for DSA compliance urge platforms to change their content moderation rules.*

In May 2025, the European Commission hosted a “DSA Systemic Risk Assessment Workshop” with regulators, platforms, and NGOs.²⁹¹ At the workshop, the Commission presented “best practices” for compliance with the DSA. These best practices included “continuous review of community guidelines,”²⁹² specifically invoking the term that many platforms use for their overarching set of global content moderation rules.²⁹³ Here, the European Commission stated clearly that platforms were expected to review and change their global rules to censor content in accordance with European regulators’ demands in order to avoid massive fines under the DSA.

European Commission - DSA Systemic Risk Assessment Workshop Readout

May 7, 2025

o A summary of EC-provided takeaways from the two sessions:

- **Illegal content is a symptom, a broader risk approach is needed**
- Need for a holistic approach to assessing platform design, policies, etc
- **Best practices: labelling of harmful content; blacklisted URLs, continuous review of community guidelines, banned keyword lists, coded language, kindness reminders, recommender systems not only based on engagement, labelling**

The European Commission’s “best practices” for DSA compliance includes “continuous” changes to global content moderation rules.

During the same event, the European Commission also stated that “illegal content is a symptom” and that “a broader risk approach is needed.”²⁹⁴ From the European Commission’s perspective, targeting only illegal content was not enough—platforms should censor broad swaths of disfavored content, which would be wide enough to scope in and stop the “symptom” of illegal content.²⁹⁵ In other words, the European Commission expected platforms to make global content moderation rule changes censoring content that would be *legal* in the EU—and, for that matter, content that also would be protected by the First Amendment in the United States.

²⁹¹ See DSA Censorship Report I, *supra* note 3.

²⁹² European Commission - DSA Systemic Risk Assessment Workshop Readout (May 7, 2025), *see* Ex. 206.

²⁹³ See, e.g., YouTube’s Community Guidelines, YOUTUBE HELP, <https://support.google.com/youtube/answer/9288567?hl=en> (last visited Jan. 29, 2026); Community Guidelines, TIKTOK, <https://www.tiktok.com/community-guidelines/en> (last visited Jan. 29, 2026).

²⁹⁴ European Commission - DSA Systemic Risk Assessment Workshop Readout (May 7, 2025), *see* Ex. 206.

²⁹⁵ *Id.*

H. Platforms changed their global content moderation rules in response to these European Commission efforts.

In a concerted, decade-long campaign, the European Commission repeatedly pressured non-EU social media platforms to change their global content moderation rules. The European Commission's pressure was successful. Internal documents show that TikTok made specific changes to its global content moderation rules "to achieve compliance with the Digital Services Act."²⁹⁶ A European law compelled TikTok to change its policies and globally censor "marginalizing speech" and true information that was "presented out of context."²⁹⁷ The European Commission's decade-long censorship campaign worked. Platforms are censoring true information globally, including in the United States, in order to comply with the DSA.

i. TikTok introduced global censorship requirements for true information in order to comply with the DSA.

TikTok's overarching set of global content moderation rules are known as Community Guidelines.²⁹⁸ TikTok's Community Guidelines "apply to [the] global community and everything shared on TikTok," no matter the location.²⁹⁹ Internal platform documents show that sustained Commission pressure led TikTok to change these global content moderation policies. In March 2023, just a few months before the DSA became enforceable, TikTok "carried out [the] most comprehensive updates to [its] Community Guidelines . . . to date."³⁰⁰ Later in 2023, shortly before the DSA became enforceable, TikTok initiated another "round of . . . updates" to its Community Guidelines.³⁰¹ This time, TikTok was explicit: the "primary motivation" for these changes was "to achieve compliance with the Digital Services Act."³⁰² These new global censorship rules adopted to comply with the DSA targeted true information and political speech, including "coded statements" that "normalize inequitable treatment" and "media presented out of context."³⁰³ To put it plainly, an EU law caused one of the world's largest social media platforms to censor true information in the United States and around the world.

As early as September 2021, TikTok appeared to be starting the process of rewriting its Community Guidelines to comply with European censorship demands. In a meeting with top staff to Commissioner Thierry Breton, TikTok noted that "they [were] currently conducting a major revision of their own code," appearing to refer to TikTok's Community Guidelines.³⁰⁴

²⁹⁶ TikTok Community Guidelines Survey, *see* Ex. 15.

²⁹⁷ TikTok Community Guidelines Update Executive Summary (Mar. 20, 2024), *see* Ex. 8.

²⁹⁸ *Community Guidelines*, TIKTOK, <https://www.tiktok.com/community-guidelines/en> (last accessed Jan. 29, 2026).

²⁹⁹ *Community Guidelines*, TIKTOK, https://www.tiktok.com/support/faq_detail?id=7543604781873371654 (last accessed Jan. 29, 2026).

³⁰⁰ *Code of Practice on Disinformation – Report of TikTok for the period 1 January 2023 – 30 June 2023*, TIKTOK (July 2023) at 41.

³⁰¹ TikTok Community Guidelines Survey, *see* Ex. 15.

³⁰² *Id.*

³⁰³ TikTok Community Guidelines Update Executive Summary (Mar. 20, 2024), *see* Ex. 8.

³⁰⁴ Readout of meeting between TikTok staff and Cabinet of Commissioner Theirry Breton (Sep. 30, 2021), *see* Ex. 20.

BTO Meeting TikTok & Cabinet Breton

Webex Conference Call, 30 September 2021 – 15:00-15:45

Participants:

TikTok: [Redacted]

Cabinet Breton: [Redacted]

Note-taker: [Redacted]

On codes of conduct and Code of Practice on disinformation:

- They are active in the Code and support strong codes of conduct. They are currently conducting a major revision of their own code. In Europe, they are covering all languages with moderators. In this sense, they are also bringing forward more tools for users to allow them to configure their feed, choose content they want to see, and to increase transparency regarding the algorithm.

TikTok appeared to brief the European Commission on forthcoming changes to its Community Guidelines as early as September 2021.

In 2022, while this re-write was underway, TikTok took preliminary steps to ramp up its censorship operation. It “invest[ed] in . . . machine learning models” to “detect[] and remov[e] misinformation” and “built a repository of previously fact-checked claims to help [its] specialized misinformation moderators.”³⁰⁵ Importantly, TikTok reported this change to the Commission in a Disinformation Code Transparency Report, indicating that the moves were at least in part designed to comply with the European Commission’s demands.³⁰⁶

Then, in March 2023—six months after the DSA’s passage and five months before its enforcement—TikTok overhauled its Community Guidelines, clamping down on alleged “misinformation” related to “climate change” and “electoral processes.”³⁰⁷ TikTok would now censor “climate change misinformation that undermines well-established scientific consensus, such as denying the existence of climate change or the factors that contribute to it”³⁰⁸—despite the fact that climate change was, and remains, an important topic of political and scientific debate around the world. Similarly, TikTok’s “civic and election integrity” policy—titled with language mirroring the DSA—was changed to bar alleged misinformation about “the final . . . outcome of an election.”³⁰⁹ Of course, discussion about election outcomes—particularly before an official winner has been declared—is quintessential political speech at the heart of the First

³⁰⁵ *Code of Practice on Disinformation – Report of TikTok for the period 16 June – 16 December 2022*, TIKTOK (Jan. 2023) at 79, 119.

³⁰⁶ *Id.*

³⁰⁷ *Integrity and Authenticity*, TIKTOK (updated Mar. 2023), <https://web.archive.org/web/20230523022625/https://www.tiktok.com/web/20230523022625/https://www.tiktok.com/community-guidelines/en/integrity-authenticity/>.

³⁰⁸ *Id.*

³⁰⁹ *Id.*

Amendment to the U.S. Constitution.³¹⁰ Finally, TikTok’s updated Community Guidelines continued to classify “misgendering” as a form of hate speech to be censored, likely stifling political debate about issues surrounding transgenderism.³¹¹

TikTok deliberately highlighted these changes to the European Commission. In July 2023, TikTok made a lengthy presentation to the Commission about its efforts to comply with the DSA, called a “readiness overview.”³¹² Touting its “readiness,” TikTok noted that it had recently “refreshed” its global Community Guidelines ahead of the DSA’s implementation.³¹³ TikTok also once again reported these changes to the European Commission in its Disinformation Code Transparency Report.³¹⁴ Together, these facts indicate at minimum that TikTok’s new Community Guidelines were drafted with one eye towards the Commission’s expectations. And given their timing, they likely were an effort to comply with the DSA.

Recent Trust and Safety Highlights

Family Pairing & TikTok's Youth Council

Option to start fresh on TikTok

Refreshed Community Guidelines

CONFIDENTIAL & PROPRIETARY

14

TikTok touted its “refreshed Community Guidelines” as it tried to convince the European Commission that it was in compliance with the DSA.

In fact, the DSA’s effect on TikTok’s content moderation rules went deeper than the Community Guidelines. In the same July 2023 meeting, TikTok told the European Commission

³¹⁰ See *Mills v. Alabama*, 384 U.S. 214, 218-219 (1966) (“Whatever differences may exist about interpretations of the First Amendment, there is practically universal agreement that a major purpose of that Amendment was to protect the free discussion of governmental affairs. This, of course, includes . . . all such matters relating to political processes.”).

³¹¹ *Safety and Civility*, TIKTOK (updated Mar. 2023),

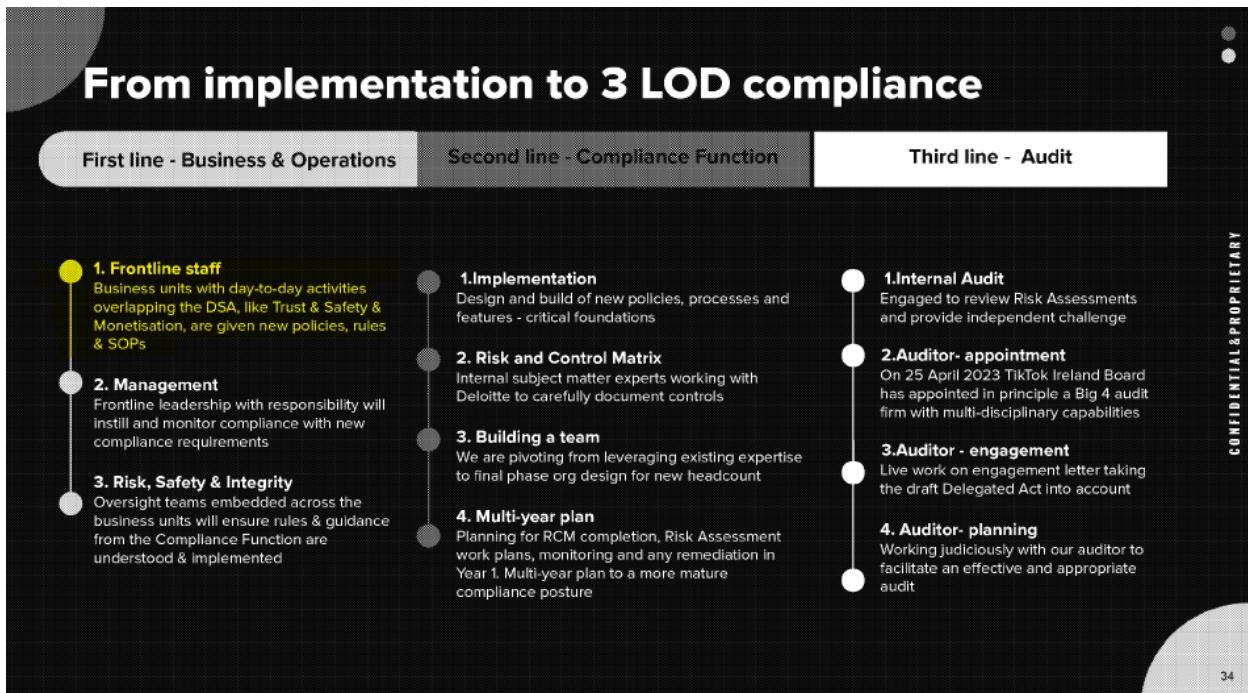
<https://web.archive.org/web/20230422003341/https://www.tiktok.com/community-guidelines/en/safety-civility/>.

³¹² TikTok Slide Deck: *Digital Services Act, Readiness overview for the European Commission* (July 17, 2023), see Ex. 3.

³¹³ *Id.*

³¹⁴ *Code of Practice on Disinformation – Report of TikTok for the period 1 January 2023 – 30 June 2023*, TIKTOK (July 2023).

that “units with day-to-day activities overlapping the DSA, like Trust & Safety . . . [were] given new policies, rules, & [standard operating procedures]” to comply with the DSA.³¹⁵ The Community Guidelines were just the tip of the iceberg. In fact, the DSA’s censorship mandates required a sweeping overhaul of TikTok’s internal content moderation policies and practices from top to bottom.



TikTok noted during its DSA “readiness assessment” that it had new, DSA-compliant internal guidance documents for content moderation teams.

TikTok continued to make additional changes. The same month, in July 2023, TikTok initiated another round of changes to its Community Guidelines. Internal documents show that “the primary motivation” for this “round of CG updates [was] to achieve compliance with the Digital Services Act.”³¹⁶ The EU’s pressure campaign had worked: TikTok explicitly instituted new global censorship rules in order to comply with the DSA.

³¹⁵ TikTok Slide Deck: *Digital Services Act, Readiness overview for the European Commission* (July 17, 2023), see Ex. 3.

³¹⁶ TikTok Community Guidelines Survey, see Ex. 15.

Community Guidelines Survey

Product Policy Survey

Survey Overview

Our [HYPERLINK "https://www.tiktok.com/community-guidelines/en/" \h] (CGs) establish a set of norms and common code of conduct that provide for a safe and welcoming space for everyone. The primary motivation for the next round of CG updates is to achieve compliance with the Digital Services Act (DSA) and ensure every enforcement action we take is incorporated transparently into the CGs. We are hoping to do a smaller CG update in Q4 2023 and a larger update by the end of H1 2024 (dates to be confirmed with relevant xfn and leadership). Please let us know what you think we should include in the next round of CG updates by Friday, July 7th.

[H1 2024 Update - Executive Summary] TikTok Community Guidelines

Authored by: [REDACTED] *Redacted* // *Last updated:* March 20, 2024

Please refer to the final copy for publishing here:

[HYPERLINK

Executive Summary

To help ensure a safe, trustworthy, and vibrant experience, we maintain a set of Community Guidelines (CG) that include rules and standards for using TikTok. We evolve them to address emerging risks and potential harms that may occur from new behaviors. We last updated the CGs in [HYPERLINK

There is an update to the CGs that will launch on **April 17, 2024**, with an effective date of **May 17, 2024**. This update, which was advised by the legal team, is mainly related to compliance with the **Digital Services Act (DSA)**, and will ensure that all policies are transparently reflected in the CGs.

TikTok made changes to its global Community Guidelines in order to comply with the DSA.

TikTok's new, EU-mandated censorship rules, which took effect in 2024, targeted true information and conventional political speech. First, TikTok made "marginalizing speech," including "coded statements" that "normalize inequitable treatment" ineligible for the For You Feed—the main page on TikTok where users discover content.³¹⁷ This almost certainly captures political speech, and likely captures humor and satire related to political topics—which the European Commission regularly targets.³¹⁸ TikTok also instituted censorship policies for new categories of so-called "misinformation"—distorting the term to capture true content. In response to EU pressure, TikTok instituted a policy to censor "misinformation that undermines public trust," "media presented out of context" and "misrepresent[ed] authoritative information."³¹⁹ There is simply no way to enforce these rules fairly. "Public trust" is an amorphous concept that is impossible to empirically define.³²⁰ Decisions about what "context" must be included alongside certain information to avoid censorship are entirely subjective. And science itself consists of debate about the truth and significance of findings within scientific literature.³²¹

Key Changes

new

A) New Policies (launched since the last CG update)

1. **Marginalizing Speech and Behavior:** Addresses content that uses coded statements to indirectly demean protected groups or normalize their inequitable treatment (result = FYF Ineligible)
2. **Election Misconduct:** Addresses content that encourages interference of, illegal participation in, or calls to disrupt a legitimate outcome of an election, such as through a coup (Result = Remove)
3. **Civic Harm Misinformation:** Addresses misinformation that undermines public trust in the integrity of the democratic process (Result = FYF Ineligible)
4. **Hacked Materials:** Addresses content related to the distribution of confidential information obtained without consent and shared with the public (Result = Remove)
5. **Moderate Harm Misinformation:** Addresses a range of content, including misinfo on treating moderate illnesses, media presented out of context to mislead on topics of public importance, and misrepresenting authoritative information, such as scientific data (Result = FYF Ineligible)

In response to Commission pressure, TikTok introduced new policies to censor true information.

³¹⁷ TikTok Community Guidelines Update Executive Summary (Mar. 20, 2024), *see* Ex. 8.

³¹⁸ DSA Censorship Report I, *supra* note 3, at 28.

³¹⁹ TikTok Community Guidelines Update Executive Summary (Mar. 20, 2024), *see* Ex. 8.

³²⁰ For example, the political left might argue that certain claims about election integrity "undermine public trust" in elections. Conversely, the political right might argue that overblown claims about the efficacy of masks and COVID-19 vaccines "undermine[d] public trust" in public health authorities. These claims are value-laden and inherently political, meaning they deserve the broadest possible free speech protections.

³²¹ See, e.g., H. Holden Thorp, *Public debate is good for science*, 371 SCIENCE 213 (2021) ("If we want the public to understand that science is an honorably self-correcting process, let's do away once and for all with the idea that science is a fixed set of facts in a textbook. Instead, let everyone see the noisy, messy deliberations that advance science and lead to decisions that benefit us all.")

TikTok knew, after years of engagement with the European Commission, that the Commission sought censorship of conservative political speech. And after years of censorship pressure, and working under vague rules, TikTok changed its global content moderation rules to censor political speech and true information *worldwide*. It was a major leap forward in the European campaign for global narrative control. The DSA, within months of its enforcement date, successfully forced the world's largest social media platforms to censor conservative political speech and true information in the United States and around the world.

ii. Bing may have changed its globally applicable terms of service to comply with the DSA.

Bing, owned by Microsoft, is the world's second most popular search engine.³²² Like TikTok's Community Guidelines, Bing's "terms and conditions" also "apply globally."³²³ Bing's 2025 DSA Risk Assessment, a report required under Article 34 of the DSA and produced to the Commission, stated to the Commission that Bing contemplated changes to its "content moderation systems" and "terms and conditions and their enforcement" as potential DSA "mitigations."³²⁴ Bing considered changing these items to comply with the DSA's mandates regarding "whether, how much, and what types of content are available to users on the service,"³²⁵ undermining the Commission's claim that the DSA is content-agnostic.³²⁶

Risk Factors and Influencers

The European Commission has identified a variety of factors that may influence the probability of risks occurring on the service as well as the potential impact of various features of the service on systemic risks. As part of its assessment, the Bing Risk Assessment team considered the impact of the following risk factors and influencers on the potential manifestation of the identified systemic risks on Bing features, the probability of the risk occurring on Bing's service, as well as the mitigations are implemented to address the systemic risks:

- Content moderation systems - whether manual or automated - and their impact on whether, how much, and what types of content are available to users on the service. This factor can influence both the amount of harmful content that users are exposed to on the service, and it can impact user's freedom of information and pluralism.
- Terms and conditions and their enforcement and their impact on what content is available to users on the service.

Bing considered changing its global content moderation rules to censor certain types of content in order to comply with the DSA.

³²² *Market share of leading desktop search engines worldwide from January 2015 to March 2025*, STATISTA (last accessed Jan. 29, 2026), <https://www.statista.com/statistics/216573/worldwide-market-share-of-search-engines/?srltid=AfmBOoqCBE3XL5hEEcXmaOqakFgKEB gj9pp-ZXRlw b3IjOXskyBP0sBm>.

³²³ Bing Systemic Risk Assessment (Aug. 2025), *see* Ex. 298.

³²⁴ *Id.*

³²⁵ *Id.*

³²⁶ *See* Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Mr. Thierry Breton, Comm'r for Internal Market, European Comm'n (Sept. 10, 2024); Letter from Thierry Breton, Comm'r for Internal Market, European Comm'n, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary (Aug. 21, 2024).

Bing also confirmed to the European Commission that it “continued to scale its investment in systemic risk detection through enhanced classifier development and risk mapping.”³²⁷ “Classifiers” are certain words or phrases that cause a “defensive search intervention,” routing you away from certain content.³²⁸ In plain English: Bing reported to the Commission that it expanded the list of words and phrases where it directs searchers not to the content searchers want, but to the content Bing—and the European Commission—think they need.

iii. YouTube pointed to policies censoring content related to firearms and election integrity as evidence of its compliance with the Disinformation Code, and confirmed that the DSA threatens free speech within and outside of the European Union.

In addition to the wide array of mandatory reports under the DSA, signatories to the Disinformation Code are required to make additional reports. These are essential to the European Commission’s censorship goals: by requiring platforms to report their censorship, the Commission can identify and target platforms that do not censor according to European wishes.

In 2022, YouTube introduced new restrictions on content contesting the outcome of “certain national elections.”³²⁹ In 2024, YouTube introduced a new policy censoring content related to firearms.³³⁰ In both cases, YouTube reported to the European Commission that it made these policy changes “in line” with its “commitment[s]” under the Disinformation Code, indicating that European censorship initiatives were a driving factor.³³¹

In September 2025, Alphabet belatedly admitted that the Biden-Harris Administration in the United States pressured it to censor similar content on YouTube and agreed to re-institute the accounts of creators who had been banned under its previous censorship policies.³³² In the same statement to the Committee, Alphabet shared its concerns about “the risk that the DSA may pose to freedom of expression within and outside of the European Union.”³³³

³²⁷ Bing Systemic Risk Assessment (Aug. 2025), *see* Ex. 298.

³²⁸ *Id.*

³²⁹ *Code of Practice on Disinformation – Report of Google for the period 1 July 2022 – 30 September 2022*, GOOGLE (Oct. 2022) at 54.

³³⁰ *Code of Practice on Disinformation – Report of Google for the period 1 January 2024 to 30 June 2024*, GOOGLE (July 2024) at 69.

³³¹ *Code of Practice on Disinformation – Report of Google for the period 1 July 2022 – 30 September 2022*, GOOGLE (Oct. 2022) at 53-54; *Code of Practice on Disinformation – Report of Google for the period 1 January 2024 to 30 June 2024*, GOOGLE (July 2024) at 68-69.

³³² Letter from Mr. Daniel Donovan, Counsel for Alphabet, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary (Sep. 23, 2025).

³³³ *Id.*

The Honorable Jim Jordan
September 23, 2025

27. The Committee has taken important investigative steps to highlight that onerous obligations under laws such as the Digital Services Act and Digital Markets Act may stifle innovation and restrict access to information. These laws place a disproportionate regulatory burden on American companies, and the Company has long expressed its concern about the risk that the DSA may pose to freedom of expression within and outside of the European Union, depending on how certain provisions may be enforced. The DSA could be interpreted in such a way as to require Alphabet and other providers of intermediary services to remove lawful content, jeopardizing the companies' ability to develop and enforce global policies that support rights to free expression and access to information. The DSA may open avenues for substantive regulation of lawful speech, including through risk mitigation, the use of codes of conduct and crisis protocols, and the out-of-court dispute settlement mechanism. Alphabet remains mindful of these risks and continues to be vigilant in its defense of these rights.

In a September 2025 letter to the Committee, Alphabet confirmed that the DSA may pose a risk to the freedom of expression “within and outside of the European Union.”

* * *

In an aggressive multi-year campaign, the European Commission successfully pressured the world's largest social media platforms to change their global content moderation rules, ushering in a new era of global censorship. The plain text of the Disinformation Code, the Hate Speech Code, and the DSA—each of which bind major social media platforms—make clear that platforms should change their global content moderation rules to comply. In meetings with platforms, the European Commission used the Codes—and, critically, the knowledge of the coming DSA—to pressure platforms to more aggressively censor content related to the COVID-19 pandemic and the Russian invasion of Ukraine. This pressure campaign went to the top, including senior European Commission officials such as European Commission Vice President Vera Jourova and Commissioner Thierry Breton.

Once the DSA became enforceable, the European Commission's global censorship efforts were strengthened significantly. The European Commission explicitly told platforms to change global content moderation rules to comply with the DSA, and formal requests for information focused on platform content moderation rules. Ultimately, the pressure campaign worked: major social media platforms, such as TikTok, changed their global content moderation rules to censor true information to align with the European Commission's demands.

IV. THE EUROPEAN COMMISSION'S ATTEMPTS TO CENSOR U.S. SPEECH.

The European Commission's direct influence on platforms' global content moderation rules affected American speech in the United States. But that is not the only way European regulation harmed American speech. On multiple occasions, the European Commission directly asked platforms about their plans to censor U.S. content—including content related to the COVID-19 pandemic and the 2024 U.S. presidential election. The Commission used the DSA to target U.S. speech, indirectly threatening retaliation if platforms did not censor U.S. content in accordance with European regulators' expectations.

A. The European Commission asked platforms to censor U.S. content related to the COVID-19 pandemic.

Like much of the European Commission's censorship, the campaign against U.S.-based content began during the COVID-19 pandemic. In November 2021, DG-Connect—the department within the European Commission responsible for enforcing the DSA—asked TikTok how it planned to “fight disinformation about the covid 19 vaccination campaign for children starting in the US.”³³⁴ The European Commission specifically asked TikTok about its plans to “remove” certain “claims” about the efficacy of the COVID-19 vaccine in children, approvingly referencing Meta’s then-recent decision to censor debate about this topic on its platforms.³³⁵ The implication was clear: the Commission expected TikTok to censor U.S. debate about the efficacy and prudence of giving COVID-19 vaccines to young children.

On Fri, Nov 5, 2021, 9:09 AM Redacted @cc.europa.eu wrote:

Thanks Redacted No worries about yesterday, actually it seems that the process may be going in the right direction, what do you think?

On my question below, it is more related to the latest news from FB in particular (<https://about.fb.com/news/2021/10/supporting-covid-19-vaccine-children/>), about updating their policies to include options to remove claims that argue that vaccine for covid does not exist for children, that vaccines are unsafe and so on and so forth.

On Thu, Nov 4, 2021, 7:03 PM Redacted @cc.europa.eu wrote:

Dear Redacted,

How are you? Nice to see you today at the meeting. I just have a quick question: I see that some platforms are putting in place some measures to fight disinformation about the covid 19 vaccination campaign for children starting in the US.

Would you have some heads up if tiktok is planning to do the same or has something already planned? I don't seem to be able to find something on your public announcements.

European regulators urged TikTok to censor U.S. claims about COVID-19 vaccines for children.

³³⁴ Emails between TikTok staff and European Commission staff (Nov. 5, 2021), *see* Ex. 58.

³³⁵ *Id.*

At the time of the European Commission’s outreach, this critical scientific and policy debate was ongoing—TikTok noted in response that “the EU seems to still be developing its specific policy around vaccines/children.”³³⁶ Nevertheless, TikTok responded that debate about COVID-19 vaccines for children was already censored under its existing global content moderation rules.³³⁷ The European Commission responded favorably, calling TikTok’s censorship “fantastic.”³³⁸

One year later, in November 2022—just one month after the DSA’s passage—European Commission regulators again pressured platforms to remove U.S.-based content about COVID-19 vaccines. This time, fact-checkers empowered under the DSA asked platforms to remove an American documentary film about vaccines.³³⁹ Platforms ignored the request at first, and then the European Commission intervened.³⁴⁰ It called censorship of the film “vital,” directing platforms to “check the matter[] . . . internally” and provide a response “in writing,” noting specifically that the film remained available on YouTube, Twitter, and TikTok.³⁴¹ YouTube responded, stating that it had “removed” the content “for violations of our policies”³⁴²—the very same policies that the European Commission had been pressing platforms to change. This sequence of events is deeply troubling. In response to pressure from European regulators, YouTube—an American company—removed an American documentary from the platform worldwide. It is an example of how European censorship pressure can result in the global removal of U.S.-based speech.

B. The European Commission interfered in the U.S. political process by engaging with platforms about content related to the 2024 U.S. presidential election.

More recently, the European Commission attempted to interfere with the 2024 U.S. presidential election, pressing platforms on their approach to moderating *U.S.-based content* ahead of Election Day in the United States. European Commission Vice President Vera Jourova implied that platforms should censor U.S.-based speech to comply with the DSA in a May 2024 meeting with TikTok, while Commissioner Thierry Breton said the quiet part out loud in an August 2024 letter to Elon Musk, the owner of X.

In May 2024, European Commission Vice President for Values and Transparency Vera Jourova went on a tour of the American west coast, meeting with American social media platforms in California.³⁴³ Ahead of a meeting with TikTok CEO Shou Chew and Head of Trust and Safety Adam Presser, Jourova’s staff told TikTok that she was “interested” in discussing “US election preparations” with them.³⁴⁴ Needless to say, social media companies’ U.S. content

³³⁶ *Id.*

³³⁷ *Id.*

³³⁸ *Id.*

³³⁹ Emails between European Commission staff and Code of Practice on Disinformation Signatories (Dec. 8, 2022), *see* Ex. 96.

³⁴⁰ *Id.*

³⁴¹ *Id.*

³⁴² *Id.*

³⁴³ Vera Jourova (@VeraJourova), X (May 29, 2024, 3:30 AM), <https://x.com/VeraJourova/status/1795719387678380478>.

³⁴⁴ Emails between TikTok staff and European Commission staff (May 28, 2024), *see* Ex. 27.

moderation ahead of a U.S. election is none of the European Commission's business. And the European Commission's track record suggests what their goal was: they wanted additional censorship of U.S.-based content favorable to President Trump.³⁴⁵

From: [Redacted] <cc.europa.eu>

Date: Fri, May 17, 2024, 5:59 PM

Subject: [External] Re: Meeting request - EU VP Jourova / CEO Shou - Los Angeles 28-29 May 2024

To: [Redacted] <tiktok.com>

Cc: [Redacted] <cc.europa.eu>, [Redacted]

[Redacted] <cc.europa.eu>, [Redacted]

[Redacted] <cc.europa.eu>

Thank you.

See below in your email.

1. Is the VP interested in discussing both EU and US election preparations, or to stay mostly EU focused?

We are interested in both. Are there big differences in your approach?

European Commission Vice President Vera Jourova asked to discuss "US election preparations" with TikTok ahead of the 2024 U.S. presidential election.

A few months later, in August 2024, Commissioner for Internal Market Thierry Breton again meddled in U.S. politics—this time, much more publicly. In a letter to owner Elon Musk, Breton threatened X with regulatory retaliation under the DSA for hosting a live interview with

³⁴⁵ See Letter from Mr. Thierry Breton, Comm'r for Internal Market, European Comm'n, to Mr. Elon Musk, Owner, X Corp. (Aug. 12, 2024).

President Trump in the United States.³⁴⁶ Just a few hours before the interview, Breton warned X that “spillovers” of U.S. speech into the EU could spur the Commission to adopt retaliatory “measures” against X under the DSA.³⁴⁷ Breton warned that he would be “extremely vigilant to any evidence” that President Trump’s interview spilled over into the EU and informed Musk that the Commission “[would] not hesitate to make full use of [its] toolbox” to silence this core American political speech.³⁴⁸

The global campaign to censor speech in an extraterritorial manner has escalated since then. For example, in September 2025, Graham Linehan, an award-winning comedy writer, advocate for protection of women-only spaces, and Irish citizen, was arrested by armed police upon his arrival at London’s Heathrow Airport from the United States for three tweets he posted several months prior.³⁴⁹ Linehan’s possessions were “confiscated” and he was transported to a prison cell before being released on a single bail condition: he could no longer post on X.³⁵⁰ It was a clear attempt by British authorities to silence a political opponent who resides in the United States.

In October 2025, British authorities declined to press charges against Linehan for the posts.³⁵¹ The London Metropolitan Police Chief stated that Britain’s aggressive online censorship and hate speech laws “left officers ‘in an impossible position . . . policing toxic culture war debates,’” all but admitting that the arrest was political in nature.³⁵²

* * *

For several years, the European Commission has caused censorship of U.S. content by pressuring social media platforms to change their global content moderation policies. But it did not stop there: the evidence shows that on multiple occasions, European Commission leadership has directly pressured platforms to censor specific American content on topics including COVID-19 and the 2024 U.S. presidential election.

This is an unprecedented incursion on American speech and political discourse by a foreign actor, and it is entirely unacceptable. The facts point to one conclusion: the European Commission is trying to make an end-run around the First Amendment and censor U.S. speech that does not align with its preferred narratives.

³⁴⁶ *Id.*

³⁴⁷ *Id.*

³⁴⁸ *Id.*

³⁴⁹ Graham Linehan, *I just got arrested again*, THE GLINNER UPDATE (Sep. 2, 2025); Helen Bushby, *Graham Linehan arrested at Heathrow over his X posts*, BBC (Sep. 2, 2025).

³⁵⁰ Graham Linehan, *I just got arrested again*, THE GLINNER UPDATE (Sep. 2, 2025).

³⁵¹ Brian Melley, *TV writer Graham Linehan won't face charges for transgender post that sparked UK debate*, AP (Oct. 20, 2025).

³⁵² *Id.*

V. THE EUROPEAN COMMISSION WEAPONIZES ITS CENSORSHIP TOOLS TO SILENCE CONSERVATIVE AND “ANTI-ESTABLISHMENT” POLITICAL SPEECH.

The DSA requires platforms to assess and mitigate the risk to “civic discourse and electoral processes” posed by certain content.³⁵³ After all, it is during periods of intense public debate and spirited political discourse that narrative control is most important to the ruling class. Documents produced to the Committee confirm this to be true. The EU Internet Forum—a separate regulatory initiative led by the Directorate-General for Migration and Home Affairs (DG-Home) since 2015—urged platforms to silence conventional conservative discourse by equating it with Nazi propaganda. Since the DSA came into effect, the pressure has been more direct. Minutes from meetings between the European Commission and platforms make clear that platforms must follow the Commission’s Election Guidelines, which include a requirement that platforms “establish[] measures to reduce the prominence of disinformation” before elections,³⁵⁴ to comply with the DSA. Documents also confirm that the European Commission and EU Member State national regulators engage with platforms before nearly every major European election to solicit information on how each platform is censoring so-called misinformation—at least nine times since 2023. Internal platform documents indicate that EU pressure may have led platforms to censor content communicating conservative views on transgenderism and mass migration—all while these topics were at the heart of national electoral debates.

A. The EU Internet Forum encourages platforms to censor legal and non-violative political speech.

The EU Internet Forum (EUIF) was created by DG-Home in 2015 to “address[] the misuse of the internet for terrorist purposes.”³⁵⁵ Since 2015, however, the EUIF has morphed from a targeted initiative to stop online terrorist recruitment to a broad effort encouraging platforms to censor legal and non-violative political speech. EUIF now advises platforms on how to best censor “borderline” content, which the EU defines as “content that *is not illegal* but may be harmful and exploited by extremist actors.”³⁵⁶ In practice, this focus on “borderline content” is an obsession with alleged “violent right-wing extremis[m],” defined to include broad swaths of conventional conservative opinion.³⁵⁷ The EUIF took these actions despite its own study finding that “Violent Left-Wing TVE [terrorist and violent extremist] content had a significantly higher Findability score” than other types of TVE content, including right-wing TVE content.³⁵⁸

³⁵³ Digital Services Act, *supra* note 26, Art. 34.

³⁵⁴ DSA Election Guidelines, *supra* note 45, Art. 3.2.1.d.ii.

³⁵⁵ European Union Internet Forum, EUROPEAN COMM’N (July 25, 2025), https://home-affairs.ec.europa.eu/networks/european-union-internet-forum_en.

³⁵⁶ Radicalization Awareness Network, *Malign Use of Algorithmic Amplification of Terrorist and Violent Extremist Content: Risks and Countermeasures in Place* (2021) (emphasis added), *see* Ex. 286.

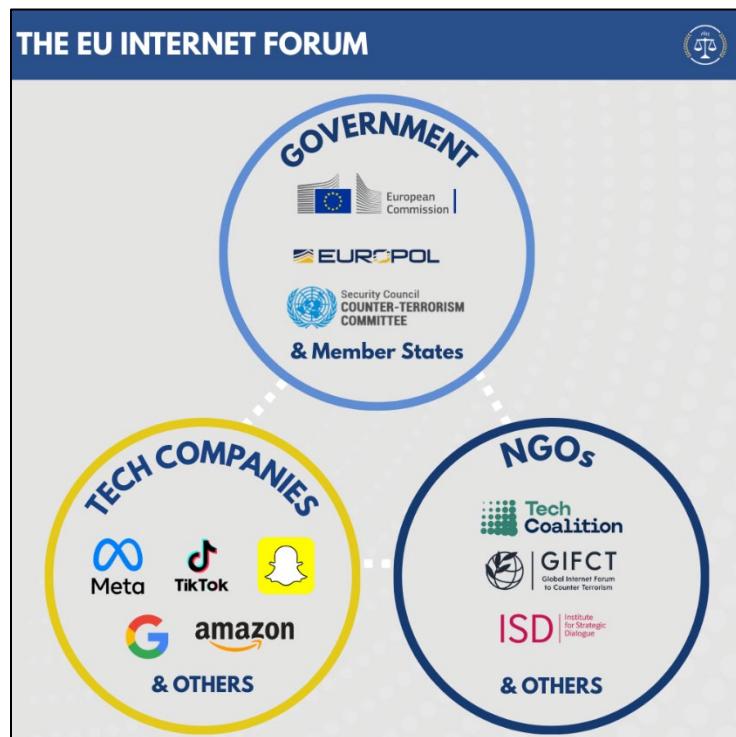
³⁵⁷ *See EU Internet Forum: Study on the Role and Effects of the Use of Algorithmic Amplification to Spread Terrorist, Violent Extremist and Borderline Content*, Ex. 37, 40.

³⁵⁸ *EU Internet Forum: Study on the Role and Effects of the Use of Algorithmic Amplification to Spread Terrorist, Violent Extremist and Borderline Content*, *see* Ex. 37; *see also* TrustLab Slide Deck: *Study on the Role and Effects of the Use of Algorithmic Amplification to spread Terrorist, Violent Extremist and Borderline Content across leading Social Media sites in Europe*, Ex. 39.

i. *The EUIF classifies political discourse on topics like immigration and gender as “violent right-wing extremism.”*

The EUIF systematically misclassifies legitimate political discourse as “violent right-wing extremism” to pressure platforms into removing this content. At the heart of this operation is the EUIF “Handbook of Borderline Content”—a 72-page guide for how social media platforms should censor non-violative political speech.³⁵⁹ Categories of potential borderline content to be censored under the handbook include:

- “Populist rhetoric”;³⁶⁰
- “Anti-government/anti-EU” content;³⁶¹
- “Anti-elite” content;³⁶²
- “Political satire”;³⁶³
- “Anti-migrants and Islamophobic content”;³⁶⁴
- “Anti-refugee/immigrant sentiment”;³⁶⁵
- “Anti-LGBTIQ . . . content”;³⁶⁶ and
- “Meme subculture.”³⁶⁷



These issues represent the dominant topics of European—indeed, global—political life today. Yet the Commission’s handbook described as a “best practice” banning “dehumanizing” speech related to these topics and content that otherwise advances “harmful stereotypes.”³⁶⁸ Moreover, the Commission’s handbook contained platform “policy recommendations” from the biased, left-wing pseudoscience group Center for Countering Digital Hate (CCDH).³⁶⁹ While some of the

³⁵⁹ EU Internet Forum: *The Handbook of Borderline Content in Relation to Violent Extremism*, see Ex. 38.

³⁶⁰ *Id.*

³⁶¹ *Id.*

³⁶² *Id.*

³⁶³ *Id.*

³⁶⁴ *Id.*

³⁶⁵ *Id.*

³⁶⁶ *Id.*

³⁶⁷ *Id.*

³⁶⁸ *Id.*

³⁶⁹ *Id.*; see Rep. Jim Jordan (@Jim_Jordan), X (Sep. 5, 2023, 6:17 PM), https://x.com/Jim_Jordan/status/1699184930331267539 (detailing CCDH’s partnership with the Biden White House

language cited in the handbook as “borderline” content to be censored is objectionable, that is beside the point: it is never acceptable for government to put its thumb on the scale to censor disfavored categories of lawful speech.

The EUIF regularly targeted legitimate political expression. In a 2023 report, EUIF detailed what it considered “violent right-wing extremism” necessitating online censorship. This included the notion that “refugees do not belong”³⁷⁰—despite repeated incidents of violence by so-called refugees who arrived in Europe under permissive mass migration policies.³⁷¹ Yet, the EU called this statement a “white supremacy idea.”³⁷² Similarly, the concept that European nations should change their asylum laws to stop the flow of unvetted migrants was described as “borderline anti-immigrant and anti-refugee rhetoric.”³⁷³ Opposition to mass migration is a legitimate opinion about an important public policy topic. Censorship of this speech is incompatible with any robust conception of free expression.

6.6.1 Violent Right-Wing Extremism and Borderline Examples

- Borderline anti-immigrant and anti-refugee rhetoric:



The EUIF used this post as an example of “borderline” content that platforms should censor.

to censor disfavored content); Paul D. Thacker and Matt Taibbi, *Election Exclusive: British Advisors to Kamala Harris Hope to “Kill Musk’s Twitter”*, THE DISINFORMATION CHRONICLE (Oct. 22, 2024); Transcribed Interview of Imran Ahmed, CEO, Center for Countering Digital Hate, H. Comm. on the Judiciary (June 25, 2024).

³⁷⁰ EU Internet Forum: *Study on the Role and Effects of the Use of Algorithmic Amplification to Spread Terrorist, Violent Extremist and Borderline Content*, see Ex. 37, 40.

³⁷¹ See, e.g., *Newcastle grooming gang jailed for raping 13-year-old girl*, BBC (Mar. 1, 2024).

³⁷² EU Internet Forum: *Study on the Role and Effects of the Use of Algorithmic Amplification to Spread Terrorist, Violent Extremist and Borderline Content*, see Ex. 37, 40.

³⁷³ EU Internet Forum: *Study on the Role and Effects of the Use of Algorithmic Amplification to Spread Terrorist, Violent Extremist and Borderline Content*, see Ex. 40.

The EUIF even encouraged censorship of political speech across borders—including that of U.S. conservatives. In a March 2022 report on “Violent Extremism and Terrorism Online in 2021,” the EUIF listed U.S. Representative Paul Gosar (R-AZ), former U.S. Representative Marjorie Taylor Greene (R-GA), and former White House official Steve Bannon as “far-right” figures, placing them alongside white supremacists and implying that they should be censored.³⁷⁴ Indeed, this EU “terrorism” report lumped together Islamic jihadists, white supremacists, and U.S. Republicans as the world’s greatest internet threats.³⁷⁵

The report also denigrated new social media platforms that emerged in the wake of Big Tech’s decision to systematically censor Republicans in 2020 and 2021.³⁷⁶ The EUIF discussed the U.S. social media platform Truth Social in this “terrorism” report because Truth Social “encourages open, free, and honest global conversation”—something the EU says will “attract[] a variety of types of right-wing extremist users” and make Truth Social a “right-wing oriented social media platform.”³⁷⁷ This report—and specifically its treatment of Truth Social—offers critical insight about how the European Commission views the “risks” that must be “mitigate[ed]” under the DSA.³⁷⁸ In the European Commission’s view, a platform that embraces free speech is *ipso facto* a hotbed for online terrorism and in violation of the DSA.

Former US President Donald Trump is not on Gettr; instead, on 20 October, 2021, he announced plans to launch yet another new platform called TRUTH Social. It is mentioned here due to the high likelihood of it attracting a variety of types of right-wing extremist users, including those based in Europe. The truthsocial.com homepage describes itself as America’s “Big Tent” social media platform that “encourages open, free, and honest global conversation without discriminating against political ideology.” It is unclear whether the site will ever be operational, however. The platform appears to have missed its own November deadline to launch an invitation-only beta version;⁹³ the share price of the SPAC company, which Trump’s social media firm plans to merge with has since plummeted; and Trump’s social media firm is now seeking an additional US\$1 billion in funding.⁹⁴

The European Commission denigrated Truth Social, writing that it was likely to be a hotbed for extremism and terrorism because it “encourages open, free, and honest global conversation.”

Later in 2022, EUIF held a “Workshop on Algorithmic Amplification and Borderline Content,” discussing how platforms should censor legal borderline content. The “main takeaways” from this meeting address the European Commission’s definition of and censorship expectations relating to borderline content.³⁷⁹ Borderline content, according to EUIF, consists of “a combination of disinformation/conspiracy theories and hate speech,” specifically mentioning “anti-establishment/anti-institutions,” “anti-trans,” “anti-migrants,” and “anti-COVID measures” speech as major categories.³⁸⁰ EUIF stressed that “positive interventions”—meaning active

³⁷⁴ RAN Policy Support, *Violent Extremism and Terrorism Online in 2021: The Year in Review* (2021), *see* Ex. 287.

³⁷⁵ *Id.*

³⁷⁶ *See* STAFF OF THE SELECT SUBCOMM. ON THE WEAPONIZATION OF THE FED. GOV’T OF THE H. COMM. ON THE JUDICIARY, 118TH CONG., THE WEAPONIZATION OF THE FEDERAL GOVERNMENT (Comm. Print Dec. 20, 2024).

³⁷⁷ RAN Policy Support, *Violent Extremism and Terrorism Online in 2021: The Year in Review* (2021), *see* Ex. 287.

³⁷⁸ Digital Services Act, *supra* note 26, Art. 34-35.

³⁷⁹ Email from European Commission staff to EU Internet Forum participants (Oct. 11, 2022), *see* Ex. 32.

³⁸⁰ *Id.*

censorship measures—“need to be adopted in order to prevent the spread of” this lawful, non-violative political content, specifically calling for “downranking” and “demonetization” of it.³⁸¹

During the meeting, Google and YouTube shared that they were “working on definitions and thresholds regarding the use of borderline content to ensure de-ranking by its internal algorithmic systems,” in line with the Commission’s demands.³⁸² Just one month before the DSA’s passage, platforms were attuned to the European Commission’s messaging on what steps they needed to take under the DSA. This workshop sent a clear message.

FLASH REPORT: EUIF Workshop on Algorithmic Amplification and Borderline Content

29 September 2022

Summary

On 29 September the Commission organised an EUIF workshop to explore the possible negative effects of algorithmic amplification techniques on the user journey towards radicalisation and provide guidance to tech companies on possible definitions and thresholds concerning the spread of borderline content.

➤ **Main takeaways**

- Examples and description of borderline content shared by Member States, EU services and researchers reveal a combination of disinformation/conspiracy theories and hate speech.
- Most common type of content identified by participants anti-establishment/anti-institutions, anti-Jewish, anti-trans, misogynistic, anti-migrants, racist, anti-COVID measures.
- Both safety by design measures and positive interventions need to be adopted in order to prevent the spread of borderline content via automated systems.
- Focus on content is not enough. Preventive measures must take into account behavioural patterns and propagation tactics used by malicious actors, including manipulation, and include digital and media literacy, critical thinking and democracy-strengthening programs to foster resilience.
- Definitions and taxonomies are essentials basics to build effective preventive measures.
- Other suggested technical solutions were: downranking, demonetise, add friction to access.
- As regards government’s lists for content moderation, companies suggested they are not enough, as they may be politically biased and incomplete. Civil Society Organisations should be empowered to compile lists and build taxonomies.
- Challenges in connection with the use of non-cooperative platforms and Terrorist Operated Websites to spread TVEC and borderline content leading to violence were discussed.

The European Commission directed platforms to censor legal, non-violative content during a 2022 workshop.

This September 2022 EUIF workshop also featured presentations by misinformation pseudoscientists and national regulators. A presentation by the Institute for Strategic Dialogue—a think tank funded during the Biden-Harris Administration by the U.S. Department of Homeland Security and the State Department³⁸³—warned that platforms may need to censor additional mainstream conservative content, stating that “engaging with content featuring Jordan Peterson and Ben Shapiro served as a gateway into recommendations for a slew of anti-feminist,

³⁸¹ *Id.* (emphasis omitted).

³⁸² *Id.*

³⁸³ *Partnerships and Funders*, INSTITUTE FOR STRATEGIC DIALOGUE, <https://www.isdglobal.org/partnerships-and-funders/> (last accessed Jan. 29, 2026).

misogynistic, and Manosphere content.”³⁸⁴ It is a characteristic ploy for misinformation pseudoscientists: by lumping conventional conservative opinion with allegedly hateful content, they coerce platforms to censor the whole lot. To summarize: the Biden-Harris Administration funded an NGO that was then enlisted by the European Commission to coerce U.S. social media platforms to censor two of the most popular conservative media figures in the United States, including an American author.

Borderline Content Algorithmic Amplification Case Study: YouTube

- ISD study created 10 accounts presenting as men and boys with a spectrum of right wing ideological interests. We found accounts tended to be served content based on who they followed, with ‘mainstream’ accounts unlikely to be recommended extreme content.
- But regardless of where they were on the ideological spectrum, every single account was recommended content promoting anti-trans, misogynistic and ‘Manosphere’ views.
- Engaging with content featuring Jordan Peterson and Ben Shapiro served as a gateway into recommendations for a slew of anti-feminist, misogynistic, and Manosphere content.

The Institute for Strategic Dialogue argued that platforms should be wary of users who engage with Jordan Peterson and Ben Shapiro.

ii. EUIF pressures platforms to change their content moderation rules to censor this content.

Similar to DG-Connect, DG-Home’s EU Internet Forum targets legal, non-violative “borderline” content, primarily on political topics including migration and transgenderism. In addition to targeted censorship pressure, the EUIF—like every EU censorship initiative—encourages platforms to change their globally applicable content moderation rules. As early as 2021, the Commission invited Meta present to an EUIF meeting on its “initiatives to address borderline content,”³⁸⁵ indicating to other platforms present that they should take similar steps. These initiatives likely involved “downranking” and “demonetiz[ation]” of borderline content, which the Commission explicitly told platforms were necessary.³⁸⁶

A year later, in December 2022, another EUIF meeting included a structured discussion of how platforms were “addressing borderline content.”³⁸⁷ Characteristically, the meeting readout indicates that only “right wing extremist” content was discussed³⁸⁸—even though EUIF’s own data found that left-wing extremism was more prevalent on social media.³⁸⁹ The meeting was part of a larger event at which Home Commissioner Ylva Johansson “expressed concerns for the increased presence of borderline content online and the challenges it brings

³⁸⁴ Institute for Strategic Dialogue Slide Deck: *Algorithmic Amplification, Borderline Content and Manipulative Techniques* (Sep. 29, 2022), *see* Ex. 31.

³⁸⁵ Agenda for EU Internet Forum Ministerial Meeting (Dec. 8, 2021), *see* Ex. 28.

³⁸⁶ Email from European Commission staff to EU Internet Forum participants (Oct. 11, 2022), *see* Ex. 32.

³⁸⁷ Agenda for EU Internet Forum Ministerial Meeting (Dec. 7, 2022), *see* Ex. 33.

³⁸⁸ Email from European Commission staff to EU Internet Forum participants (Jan. 9, 2023), *see* Ex. 34.

³⁸⁹ EU Internet Forum: *Study on the Role and Effects of the Use of Algorithmic Amplification to Spread Terrorist, Violent Extremist and Borderline Content*, *see* Ex. 37.

about when it comes to content moderation.”³⁹⁰ She specifically invoked the DSA, passed less than two months before the meeting, and warned that “voluntary cooperation” with the Commission “is crucial and must continue.”³⁹¹ The subtext of Johansson’s speech was clear: to comply with the DSA, platforms needed to do more to silence “borderline” content, which is by definition legal and non-violative of existing content moderation rules. There is only one way to do so: change content moderation rules to censor more legal speech. Once again, the campaign to make platforms change their terms of service reached the highest levels of the European Commission.

On terrorism and violent extremism online, the Commissioner referred to recent attacks in Bratislava and Sweden, which resulted from the spread of online violent right wing extremist content targeting, among others, the Jewish and LGBTIQ communities and women. She expressed concerns for the increased presence of borderline content online and the challenges it brings about when it comes to content moderation. She also warned against the growing use of terrorist operated websites, manipulation techniques used by extremists and the need for more transparency on the threats related to the misuse of algorithmic amplification techniques. EU regulations concerning the online space will mitigate part of the challenges ahead, but voluntary cooperation is crucial and must continue.

Home Commissioner Ylva Johansson pressured platforms to censor more “borderline” content.

These efforts continued after the DSA came into force. In September 2024, DG-Home asked TikTok to join an EUIF initiative to develop “a set of principles for companies to address algorithmic amplification, including of borderline content”—in other words, a set of censorship requirements enforceable on platforms under the DSA.³⁹² In the following weeks, EUIF’s efforts expanded.

For example, in October 2024, EUIF asked platforms for information about their steps to prevent the spread of “borderline” content and how they were complying with Hate Speech and Disinformation Codes.³⁹³ The European Commission told platforms that their responses would inform a censorship blueprint being assembled by the Institute for Strategic Dialogue,³⁹⁴ which the European Commission could then adopt as its own. Unsurprisingly, the European Commission’s questions focused heavily on platforms’ implementation of their content moderation policies.³⁹⁵ Once again, the European Commission was monitoring platforms’ content moderation rules, urging changes to censor more legal content—all while the regulatory sword of the DSA hung over their head.

³⁹⁰ Email from European Commission staff to EU Internet Forum participants (Jan. 9, 2023), *see* Ex. 34; *see* Agenda for EU Internet Forum Ministerial Meeting (Dec. 7, 2022), Ex. 33.

³⁹¹ *Id.*

³⁹² Emails between TikTok staff and European Commission staff (Sep. 2, 2024), *see* Ex. 35.

³⁹³ Emails between TikTok staff and European Commission staff (Oct. 15, 2024), *see* Ex. 36.

³⁹⁴ *Id.*

³⁹⁵ TikTok response to EU Internet Forum Questionnaire - Algorithmic Amplification, *see* Ex. 41.

From: HOME INTERNET FORUM
Sent: Tuesday, October 15, 2024 9:38 AM
To: HOME INTERNET FORUM <HOME-INTERNET-FORUM@ec.europa.eu>
Subject: Informal Focus Group - Next Step - Questionnaire - DDL: 15 November 2024

Dear participants,

Thank you for your participation in the first meeting of the informal focus group on algorithmic amplification.

As an outcome of the meeting, the group agreed to create an overview of measures taken by companies since the EUIF study on algorithmic amplification (July 2022) to prevent the spread of borderline, violent extremist and terrorist content online and inform about existing commitments under the Code of Conduct on Hate Speech and Code of Practice on Disinformation. This overview could serve as set of best practices to inspire and inform.

If you are a company, we kindly ask you to fill in the attached questionnaire and send it back to us by **15 November 2024**. Please do not hesitate to reach out in case of questions.

Based on this overview and own research, ISD can identify gaps and propose potential improvements for algorithmic recommender systems to fight illegal and harmful content online.

EUIF asked platforms how they had changed their content moderation rules to censor additional borderline content and encouraged them to censor more.

Since 2021, the EUIF has emerged as another key institution in the European censorship architecture. The EUIF specifically targets legal, non-violative political speech, lumping in American and European conservatives with jihadists and white supremacists and telling platforms to censor them all. It also encourages platforms to change their global content moderation rules to silence content disfavored by European Commission bureaucrats.

B. The European Commission and EU Member State regulators pressure platforms to censor conservative and “anti-establishment” political speech during election periods.

In addition to the EUIF’s programmatic work to censor conventional political speech, the European Commission takes specific steps to encourage political censorship ahead of major elections—precisely when free speech is most important. The European Commission’s DSA Election Guidelines outline mandatory censorship steps for platforms during election periods, including taking “measures to reduce the prominence of disinformation.”³⁹⁶ And the European Commission closely monitors platforms’ performance. Ahead of nearly every major European election since 2023—at least twelve in total—the Commission has met with platforms to communicate its censorship expectations and evaluate platforms’ compliance. Since the moment

³⁹⁶ DSA Election Guidelines, *supra* note 45.

the DSA came into force, the Commission has worked with EU Member State regulators to censor conservative and “anti-establishment” political speech during election periods. These requirements appear to have led platforms to adopt more restrictive censorship rules for their global content moderation policies, potentially affecting elections outside the EU, including the 2024 U.S. presidential election.

i. The European Commission’s DSA Election Guidelines require political censorship ahead of European elections, with global effects.

At the core of the Commission’s election interference are its DSA Election Guidelines. The Guidelines state that before elections, platforms should:

- “Updat[e] and refin[e] policies, practices, and algorithms” to comply with EU censorship demands;
- Comply with “best practices” outlined in the Disinformation Code, the Hate Speech Code, and EUIF documents;
- “Establish[] measures to reduce the prominence of disinformation”;
- “Adapt their terms and conditions . . . to significantly decrease the reach and impact of generative AI content that depicts disinformation or misinformation”;
- “Label” posts deemed to be “disinformation” by government-approved, left-wing fact-checkers;
- “Establish[] measures to limit the amplification of deceptive . . . content generated by AI”;
- “Develop[] and apply[] inoculation measures that pre-emptively build resilience against possible and expected disinformation narratives”,³⁹⁷ and
- Take additional steps to stop “gendered disinformation.”³⁹⁸

Perhaps the greatest risk associated with government regulation of speech is the specter of government using that power to silence opponents and maintain political control. Every single requirement listed above allows the European Commission to do just that. It is impossible to define terms like “disinformation” in a politically neutral way—and as the evidence shows, the European Commission does not. In effect, the DSA Election Guidelines require platforms to

³⁹⁷ U.S. agencies used this tactic before the 2020 presidential election to cast a true story about Biden family influence peddling as Russian disinformation. As a result, Big Tech censored the story in the weeks preceding the election. *See STAFF OF THE H. COMM. ON THE JUDICIARY AND THE SELECT SUBCOMM. ON THE WEAPONIZATION OF THE FED. GOV’T OF THE H. COMM. ON THE JUDICIARY, 118TH CONG., ELECTION INTERFERENCE: HOW THE FBI “PREBUNKED” A TRUE STORY ABOUT THE BIDEN FAMILY’S CORRUPTION IN ADVANCE OF THE 2020 PRESIDENTIAL ELECTION* (Comm. Print Oct. 30, 2024).

³⁹⁸ DSA Election Guidelines, *supra* note 45.

censor content disfavored by Europe's ruling class every time voters have the opportunity to make their voices heard. Worse, these Orwellian and undemocratic censorship edicts likely have global effects.

On their own terms, the Election Guidelines are not mandatory. But even before they were released, senior European Commission officials told platforms that they could face sanction under the DSA for failing to comply with them. In a meeting with platforms in March 2024, weeks before the Guidelines were officially unveiled, Prabhat Agarwal, the head of the Commission's DSA enforcement unit, told platforms that the Guidelines "are the EC's opinion on what are good mitigation measures to comply with the DSA."³⁹⁹ He described the Guidelines as a floor for DSA compliance, telling platforms that if they deviated from the Guidelines, they would need to "have alternative measures that are equal or better"⁴⁰⁰—meaning censorship measures that were at least as restrictive as the ones outlined in the Guidelines. This explicit warning only added to the structural pressure platforms already faced: the DSA's vague language and massive potential penalties make any potential safe harbor a practical necessity.

Prabhat's answer:

- Guidelines are the EC's opinion on what are good mitigation measures to comply with DSA. Not an Implementing Act, it is a guidance document: do not have to follow all of them. However, obligation is to assess and mitigate systemic risks. Those are best practices to do that.
- Onus if deviate from this to have alternative measures that are equal or better than those in here. Can be adapted, and recognise that not every regulated entity has the same risk profile. Not every platform in the list of VLOPs has an election risk - some do not.
 - Gave Snap as an example of a platform that has a different type of service and features which means they will need to adapt the Guidelines somewhat. Referred to the prominence of the map feature on Snap as an (illustrative only) example of something that differentiates them from others and therefore means Guidelines implementation may be different for them.

The European Commission's top DSA enforcer told platforms that compliance with the Election Guidelines was effectively mandatory.

European Commission efforts to censor speech during election periods, including the Election Guidelines, may have had global effects. In the same March 2024 meeting, Meta told the European Commission that it has learned best practices from "more than 200 elections around the world since 2016," and that "for every election," Meta evaluates its "standard mechanisms," which "include policies, tools, and processes that [it] document[s] in [its] EU Code of Practice on Disinformation reports"—in other words, the censorship measures Meta takes to comply with EU demands.⁴⁰¹ Meta later noted to the European Commission that it changed "processes" in response to the Commission's Election Guidelines, "making additional adjustments and improvements to [them] in light of the Guidelines and direct discussions undertaken at EC hosted roundtables."⁴⁰² These changes included "mitigation measures to

³⁹⁹ Internal Meta readout of Roundtable on DSA Elections Guidelines (Mar. 1, 2024), *see* Ex. 243; Internal emails among Meta staff (Feb. 26, 2024), *see* Ex. 241.

⁴⁰⁰ Internal Meta readout of Roundtable on DSA Elections Guidelines (Mar. 1, 2024), *see* Ex. 243.

⁴⁰¹ *Id.*

⁴⁰² Email from Meta staff to European Commission staff (July 10, 2024), *see* Ex. 166.

tackle . . . risk areas” including misinformation, in addition to existing measures targeting “hostile speech.”⁴⁰³ Given the global nature of Meta’s Community Standards, and its self-described “standard mechanisms” for election, the conclusion is troubling: Meta and other large social media companies with scope of the DSA may have had to enact changes that affect non-EU elections, including U.S. elections, because of the EU’s political censorship requirements.

REMARKS ON BEST PRACTICES

- We learned from working on more than 200 elections around the world since 2016.
- For every election, we evaluate whether our standard mechanisms (which include the policies, tools and processes that we document in our EU Code of Practice on Disinformation reports) address the election-specific threats for that election. Should there be any outlying risks, we work across several teams and sometimes with external partners to put appropriate measures in place to mitigate those risks.

Private and Confidential

10 July 2024

Attention: Prabhat Agarwal, Head of Unit

Response to Third technical roundtable European Elections (Online) on July 10, 2024

Dear Mr. Agarwal,

We refer to your email and letter dated 10 June 2024 requesting a written response noting Meta Platforms Ireland Ltd’s (“MPIL”) plans for finalising a post-election review of our 2024 European Parliamentary Elections (“EP Elections”) efforts and any other relevant information before the roundtable scheduled on July 10, 2024.

For the EP elections, MPIL utilised election management processes refined over many years, by teams with expertise in electoral risk mitigation as well as local knowledge and context. We worked hard to adopt feedback from the Commission, Digital Services Coordinators, election authorities, and civil society, making additional adjustments and improvements to our processes in light of the Guidelines and direct discussions undertaken at EC hosted roundtables and a cross-sector tabletop exercise.

For the EP elections, we prioritised efforts aimed at addressing risks from adversarial threats (such as the Russia-origin network known as Doppelgänger), infringement of our transparency requirements for political advertisements, and misinformation, including AI-generated misleading content. We deployed mitigation measures to tackle each of these risk areas, as well as running standard mitigation for other election-relevant risks, such as hostile speech.

Communications between Meta and the European Commission show that Meta may have made global changes to its election content moderation policies to comply with EU censorship demands.

At this March 2024 meeting, Agarwal, the head of the European Commission’s DSA enforcement unit, also emphasized the DSA’s requirement that platforms work with misinformation pseudoscientists to create effective censorship regimes. Meta’s internal readout of the meeting noted the European Commission’s “strong views about the DSA legal requirement to involve external stakeholders in the evaluation/development of [platform]

⁴⁰³ *Id.*

measures.”⁴⁰⁴ The Committee’s oversight has previously shown that these so-called researchers are uniformly left-wing and pro-censorship.⁴⁰⁵

- **EC has strong views about the DSA legal requirement to involve external stakeholders in the evaluation/development of our measures. This was sparked by MSFT questions around external red teaming requirements. The EC relied on Recital 90 of the DSA which they stressed as the legal basis for our obligation to put mitigation measures in place together with external partners.**

The European Commission emphasized that platforms must partner with misinformation pseudoscientists to censor more content.

Finally, Agarwal engaged in a bit of AI alarmism. He warned that platforms must be ready to censor “a non-watermarked AI-generated image of a president or political leader [that] circulates during an election.”⁴⁰⁶ This has echoes of the European Commission’s previous effort to target “memes” and satire,⁴⁰⁷ and evinces a key point about the European Commission regulators who seek to control the global internet: they think their citizens are stupid, unable to decide for themselves what to believe and what not to.

ii. TikTok censored political speech ahead of the 2023 Slovak election—the first European national election conducted after the DSA became enforceable.

A useful case study of the European Commission’s efforts to influence online discourse ahead of elections is the 2023 parliamentary election in Slovakia, the first European election to take place after the DSA came into force. Communications between TikTok and the European Commission, as well as internal TikTok documents, show how the European Commission pressured the platform to censor legitimate political discourse ahead of the election.

Platform preparation for the September 30, 2023, election was well underway by July 2023, when the European Commission organized a presentation to platforms by the Slovak digital regulator, the Slovak Council for Media Services.⁴⁰⁸ Setting the tone for the coming censorship campaign, the Slovak regulator denigrated its own people, telling platforms that the “population tends to incline to conspiracy theories and false narratives.”⁴⁰⁹ The regulator’s presentation also referenced “requests connected to upcoming elections” it made to Meta, Google, and TikTok in June 2023.⁴¹⁰

⁴⁰⁴ Internal Meta readout of Roundtable on DSA Elections Guidelines (Mar. 1, 2024), *see* Ex. 243.

⁴⁰⁵ *See* DSA Censorship Report I, *supra* note 3, at 28-29.

⁴⁰⁶ Internal Meta readout of Roundtable on DSA Elections Guidelines (Mar. 1, 2024), *see* Ex. 243.

⁴⁰⁷ *See* DSA Censorship Report I, *supra* note 3, at 28.

⁴⁰⁸ Slovak Council for Media Services Slide Deck: *Snap Elections in Slovakia* (July 2023), *see* Ex. 214.

⁴⁰⁹ *Id.*

⁴¹⁰ *Id.*

Disinformation in Slovakia



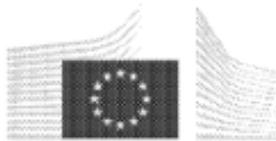
- Longterm problem on major online platforms (the most used platform is Facebook - also widely used by politicians for political messaging)
- Fact-checking capacities are low.
 - No home-grown fact-checking organisation
 - Now - up to 2 Slovak fact-checkers in AFP and up to 4 in Demagog.cz (only for Meta platforms).
- In general, distrust of the population towards traditional media and the government. **Population tends to incline to conspiracy theories and false narratives** (rise during Covid-19 pandemic and now with the war in Ukraine).

The Slovak Council for Media Services denigrated its own people in a presentation to platforms ahead of the 2023 election.

The European Commission's censorship campaign picked up in September 2023 as the election approached. On September 5, the Commission met with a group of platforms, asking them "what actions they [were] planning and what measures they [were] putting in place" ahead of the election.⁴¹¹ The clear implication: platforms had to put censorship "measures" in place ahead of the election to comply with the DSA, which had become enforceable just one week before this meeting. The next week, on September 12, the Commission met with TikTok specifically, asking for "technically detailed explanations on your risk assessment, mitigation measures, and enforcement capabilities for [its] terms and conditions regarding this election."⁴¹² If TikTok failed to moderate content consistent with the Commission's expectations, the Commission would know—and, with the DSA in effect, it would have to power to exact a massive fine in response.

⁴¹¹ Emails from European Commission staff to members of the Working Group on Elections (Sep. 1, 2023), *see* Ex. 220.

⁴¹² Letter from the European Commission to TikTok (Sep. 5, 2023), *see* Ex. 221; *see also* Letter from TikTok to the European Commission (Sep. 2023), Ex. 218.



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR COMMUNICATIONS NETWORKS, CONTENT AND
TECHNOLOGY

Platforms Policy and Enforcement
Digital Services

Brussels
5 September 2023

[Redacted]

Via email [Redacted]@bytedance.com

Dear Madam,

TikTok was designated as a very large online platform through Commission Decision C(2023) 2720 final of 25 April 2023. Pursuant to Article 34(1) of Regulation (EU) 2022/20651 (hereafter "DSA"), providers of very large online platforms and of very large online search engines shall carry out risk assessments by the date of application referred to in Article 33(6) DSA, second subparagraph 2. The Commission services also drew your attention to this obligation in the letters of 11 August and 1 September 2023.

The 2023 Slovak parliamentary election, which are to be held on 30 September 2023, are the first national election in the EU, that take place after the DSA has become legally enforceable for VLOPs and VLOSEs. Your service is considered to be an important platform for public discourse during these upcoming elections. Therefore, pursuant to the

powers under Article 72 DSA, the Commission services request technically detailed explanations on your risk assessment, mitigation measures, and enforcement capacities for your terms and conditions regarding this election. These explanations should be given orally in the context of a meeting on 12 September 2023 with relevant Slovak authorities in Bratislava. In addition, the Commission services strongly encourage you to submit contextualising written information in advance of the meeting. To facilitate a constructive meeting, we request the presence of staff with relevant technical expertise and in-depth understanding of your enforcement processes and capacities for your terms and conditions in the relevant areas.

The European Commission directed TikTok to present information about its pre-election censorship measures in a September 12 meeting.

This pressure campaign worked. TikTok's internal "Election Moderation Guidelines" for the 2023 Slovak election indicate that TikTok censored political speech about gender issues.⁴¹³ Examples of "hate speech" that TikTok censored ahead of the election include:

- "There are only two genders";
- "Children cannot be trans";
- "We need to stop the sexualization of young people/children";
- "I think that LGBTI ideology, gender ideology, transgender ideology are a big threat to Slovakia, just like corruption"; and
- "Targeted misgendering."⁴¹⁴

TikTok's post-election "Summary Report" similarly classified as "degrading speech" comments on "the absurdity of the existence of more than two genders and the forced inclusive language," like the term "pregnant people."⁴¹⁵ Also "degrading" were posts about "the need to stop gender ideology from schools."⁴¹⁶ The content moderation guide noted that claims like these "are common in the Slovak political discussions"—unsurprising, as political debates about transgenderism and related issues have been a major political topic over the last five years.⁴¹⁷ Yet, as part of its efforts to comply with the DSA, TikTok censored anodyne claims questioning left-wing transgender ideology ahead of a major national election.

Elections Content Trends

- Protecting "Traditional values" against LGBTQ+ people and gender ideology
 - Degrading speech concerning 1) the absurdity of the existence of more than two genders and the forced inclusive language (example: Progressive Slovakia party and their followers were attacked by using the term pregnant people instead of pregnant women); 2) the need to stop gender ideology from schools to protect minors; 3) LGBT

TikTok classified comments noting "the absurdity" of terms like "pregnant people" as "degrading speech."

In the week leading up to the Slovak election, the European Commission shifted its focus from TikTok's comprehensive censorship measures to specific accounts. Four days ahead of the election, the Commission sent TikTok a spreadsheet with lists of "problematic accounts on Slovak TikTok," implying that they should be censored.⁴¹⁸ The spreadsheet contained at least 63

⁴¹³ TikTok internal Content Moderation Guidelines for 2023 Slovak Election (Sep. 22, 2023), *see* Ex. 224.

⁴¹⁴ *Id.*

⁴¹⁵ TikTok internal *Slovak Election Summary Report 2023*, *see* Ex. 211.

⁴¹⁶ *Id.*

⁴¹⁷ TikTok internal Content Moderation Guidelines for 2023 Slovak Election (Sep. 22, 2023), *see* Ex. 224.

⁴¹⁸ *List of problematic accounts on Slovak TikTok*, *see* Ex. 198; *see* Email from TikTok staff to European Commission staff (Sep. 26, 2023), Ex. 136; Slovak Interior Ministry, *Analysis of harmful content on Slovak language TikTok* (Sep. 2023), Ex. 130.

accounts, with follower counts ranging from 1,000 to 120,000.⁴¹⁹ It noted that many of the accounts contained “Slovak political content” and in some cases explicitly noted that the flagged content complied with TikTok’s global Community Guidelines.⁴²⁰ The European Commission also listed the “top 5 problematic accounts” and ten “examples of problematic content/posts.”⁴²¹ While some of the content flagged was genuinely objectionable, the European Commission requested censorship of the following accounts on the basis of their political speech:

- An account with content that “intensifies the distrust in institutions”;
- An “[a]ccount focusing on Slovak domestic politics . . . despite most of the content being aggressive, it most probably complies with the Community standards”;
- A “well-known and popular Slovak account” where “most of the content is non-problematic and focused on entertainment,” but “has been sharing disinformation about immigrants, Covid-19, and supported Vladimir Putin.” The spreadsheet notes that the account operator, Adrian Figo, “lately announced plans for his own political party”;
- An account that “shares conspiracies and political videos, but also humour, which is often political and subconsciously [sic] delivers a message”;
- An account that “tackles Slovak politics, often in a misleading way”;
- An account where “videos try to discredit representatives of previous government, which would not be a problem per se, but often works with conspiration [sic] narratives, such as invasion of immigrants, or tries to discredit institutions”;
- An account that “supports Communist party of Slovakia”; and
- An account with “a post, which links vaccination to deaths of celebrities. It does not directly claim that vaccination caused death, however, it posts pictures of dead celebrities, then shows the word ‘vaccinated,’ combined with display of official government campaign to increase vaccination rates.”⁴²²

TikTok’s post-election summary report noted that it banned 19 of these accounts in direct response to the Commission’s request—five of them for “spreading hate.”⁴²³ Sixteen accounts flagged by the European Commission had “none [sic] or very low violations,” including “satirical accounts focused on politics.”⁴²⁴ Other accounts were placed on TikTok’s “watchlist,”

⁴¹⁹ List of problematic accounts on Slovak TikTok, see Ex. 198.

⁴²⁰ *Id.*

⁴²¹ *Id.*

⁴²² *Id.*

⁴²³ TikTok internal *Slovak Election Summary Report 2023*, see Ex. 211.

⁴²⁴ *Id.*

while some accounts had already been censored before the Commission’s intervention.⁴²⁵ From these facts, it is clear that political content on TikTok was censored ahead of the Slovak election at the European Commission’s request.

Altogether, the scope of DSA-mandated censorship ahead of the 2023 Slovak election is deeply concerning. Mindful of the DSA’s requirements that platforms “mitigate” so-called “hate speech,”⁴²⁶ TikTok systematically censored conservative views on gender issues. Then, in the days before the election, the European Commission requested additional censorship of popular accounts expressing views on migration, the COVID-19 pandemic, and other major topics in Slovak domestic politics—accounts that the European Commission conceded were engaged in political debate ahead of the election. The European Commission’s campaign was nothing less than an effort at narrative control. And it would soon be replicated across Europe.

iii. TikTok censored similar political speech ahead of the 2023 Polish parliamentary election.

Evidence shows that TikTok regularly instituted aggressive censorship policies ahead of other elections like it did in Slovakia. TikTok’s internal content moderation guidance for the 2023 Polish parliamentary election was quite similar to the Slovak one.⁴²⁷ In some cases, it even went further—the Polish censorship guide included the claim that “the government is trying to demobilize voters by using covid lockdowns” as a “conspiracy theory” to be “control[led].”⁴²⁸

1.6 General Conspiracy Theory

We control conspiracy theories that are not directed at a specific person(s), but target an organization or institution and create a moderate amount of harm, potentially leading to distrust in the targeted institution.

Scope[Tag policy]	Examples	Screenshot/Video
Content that calls into question a generally held belief or fact by questioning what, why or how something happened, AND suggests an institution could be responsible.	<ul style="list-style-type: none">“Candidates are financed/influenced by Russia” [When this is ascertained not to be the case]“The government is trying to demobilize voters by using covid lockdowns” [When this is ascertained not to be the case]	

TikTok’s content moderation guide for the Polish elections called for censorship of political speech related to the COVID-19 pandemic.

⁴²⁵ *Id.*

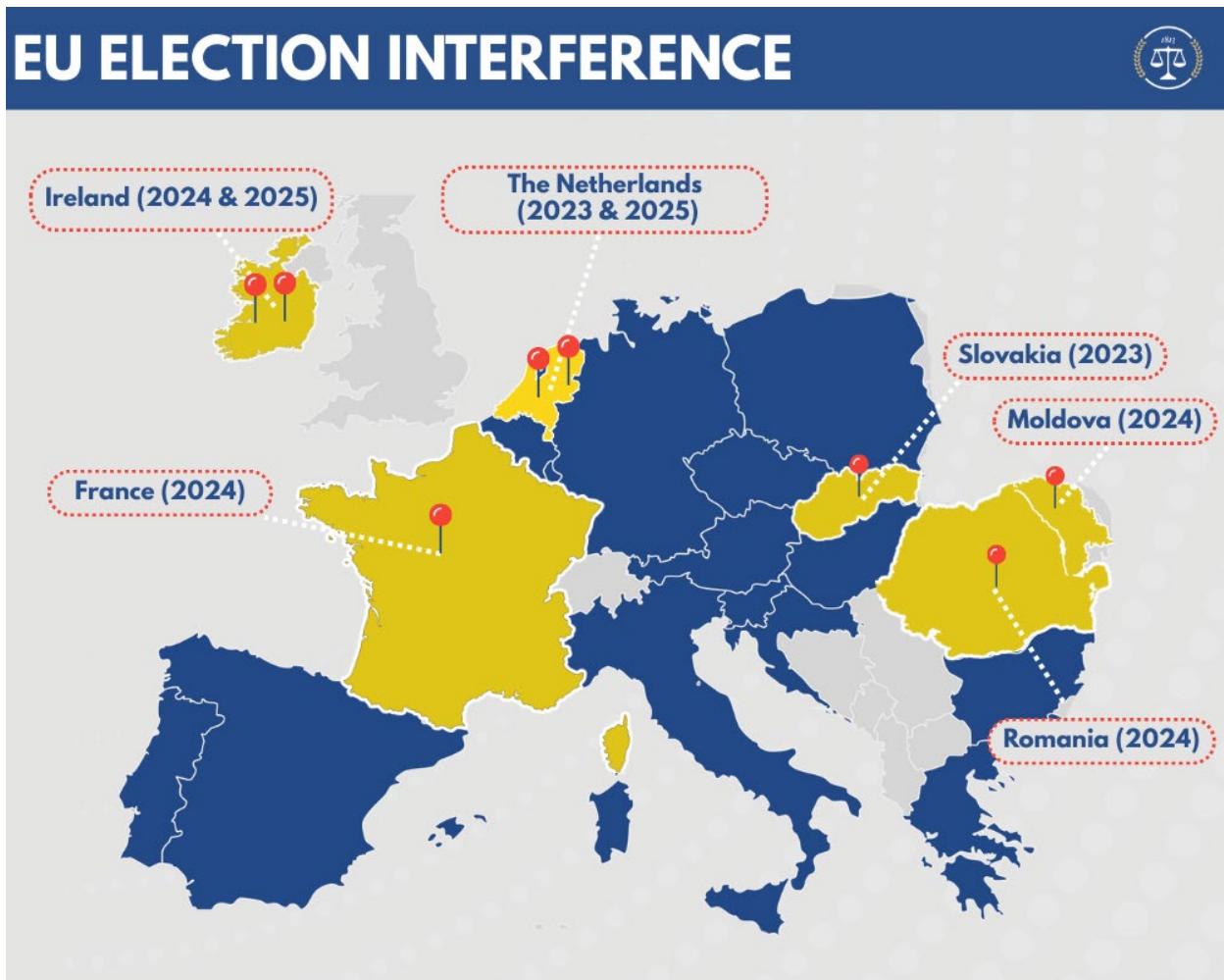
⁴²⁶ Digital Services Act, *supra* note 26, Art. 35.

⁴²⁷ TikTok internal Content Moderation Guidelines for 2023 Polish Election (Sep. 10, 2023), see Ex. 222.

⁴²⁸ *Id.*

iv. European Commission regulators have pressured platforms to censor content ahead of major European elections since the DSA's enactment.

The Slovak elections were just the opening act. Between 2023 and 2025, the Commission engaged with platforms and pressured them to aggressively censor content ahead of national elections in Moldova, the Netherlands, France, Ireland, and Romania. Unsurprisingly, the Commission was even more aggressive ahead of the June 2024 European Union parliamentary elections—where a shift in power could have swept out the architects of the EU's global censorship campaign.



1. The Netherlands (2023 and 2025)

The Netherlands had parliamentary elections in 2023 and 2025. Both times, the European Commission encouraged platforms to censor additional content. Ahead of the 2023 Dutch election, the European Commission hosted a meeting with TikTok “to discuss [its] risk assessment and mitigation measures for the Dutch national elections,” including “measures to mitigate the risk of mis/disinformation for these particular elections.”⁴²⁹ This meeting offered the European Commission a forum to put censorship pressure on the platform. Before this election, the European Commission also made the Dutch Interior Ministry a “trusted flagger” entitled to make priority censorship requests under the DSA.⁴³⁰ This is an obvious conflict of interest: ahead of an election where Dutch voters could have voted the Interior Ministry’s leadership out of power, the European Commission specifically empowered the Interior Ministry to make special censorship demands.

From: "Redacted" <ec.europa.eu>
Date: Tue, Oct 31, 2023, 6:00 PM
Subject: [External] NL elections meeting TikTok
To: "Redacted" <bytedance.com>, "Redacted" <tiktok.com> Redacted <tiktok.com>
Cc: "Redacted" <ec.europa.eu>
Dear Redacted

As was already mentioned to you by Redacted, we'd like to invite you to a meeting on Friday November 10th in The Hague to discuss your risk assessment and mitigation measures for the Dutch national elections of November 22nd.
The meeting will also be attended by the relevant Dutch authority (Ministry of the Interior team coordinating the approach against disinformation).

The European Commission summoned TikTok to a meeting about its censorship measures ahead of the 2023 Dutch election.

The Dutch competition regulator, the Authority for Consumers and Markets (ACM), held a similar meeting ahead of the 2025 Dutch parliamentary election. Six weeks before Election Day, ACM held a “roundtable on elections in the context of the Digital Services Act” with European Commission regulators, companies including Alphabet, Meta, Microsoft, TikTok, and X, and censorious NGOs.⁴³¹ ACM and the European Commission asked platforms about “how content is prioritized” in algorithms, existing steps to censor “harmful content,” and “what structural improvements”—meaning additional censorship measures—were “needed before the elections[.]”⁴³² ACM and the European Commission clearly expected platforms to take significant censorship steps ahead of the election.

⁴²⁹ Emails between TikTok staff and European Commission staff (Nov. 6, 2023), *see* Ex. 230.

⁴³⁰ *Non-Paper: TikTok's approach to election preparedness across the EU* (Nov. 8, 2023), *see* Ex. 231; *see* Digital Services Act, *supra* note 26, Art. 22.

⁴³¹ *Agenda for Roundtable on Elections in the Context of the Digital Services Act* (Sep. 15, 2025), *see* Ex. 277; Email from Dutch regulators to platforms (Sep. 3, 2025), *see* Ex. 276.

⁴³² *Agenda for Roundtable on Elections in the Context of the Digital Services Act* (Sep. 15, 2025), *see* Ex. 277.

Roundtable on Elections in the Context of the Digital Services Act - September 15, 2022

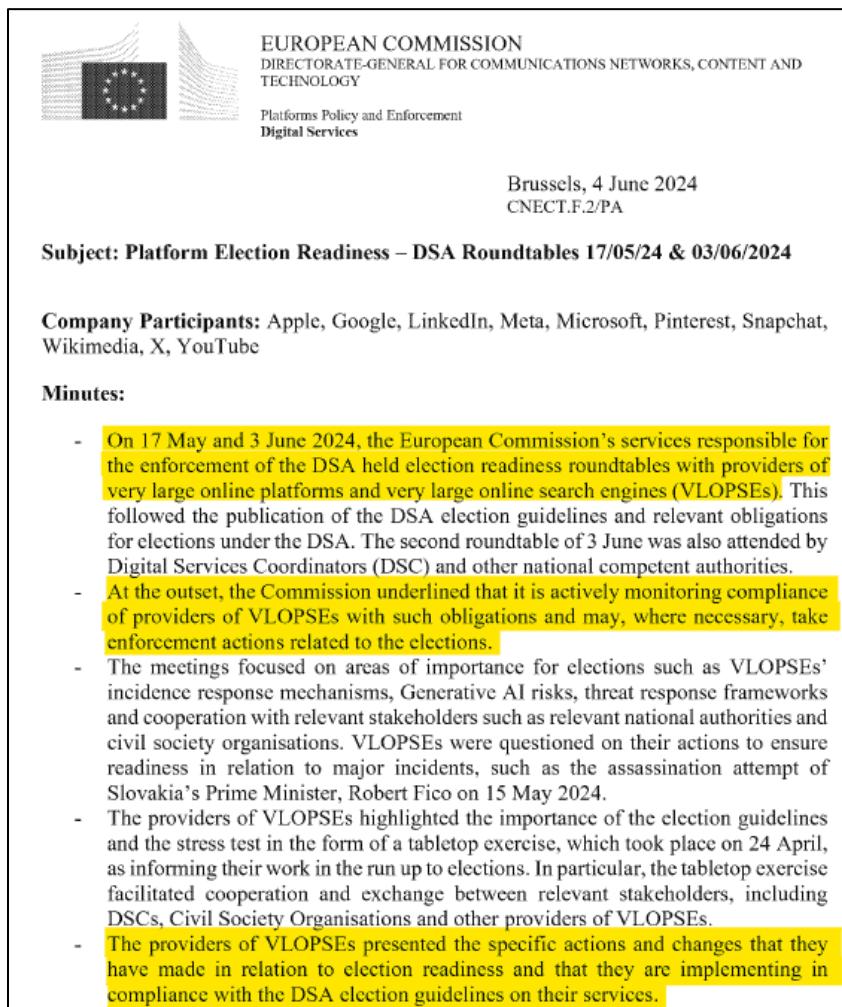
Part I: online platforms and government bodies only		
Time	Themes	Subjects
12:30 – 13:00	Walk-in	Sandwiches will be available for participants who may not have the opportunity to have lunch beforehand.
13:00 – 13:05	Welcome by David Korteweg (ACM)	<ul style="list-style-type: none"> - Agenda - Houserules
13:05 – 13:25	Presentation by the European Commission	<ul style="list-style-type: none"> - The role of the DSA in the electoral process - Election Guidelines - Code of Practice on Disinformation - TTPA
13:25 – 14:00	Overview of Dutch context	<ul style="list-style-type: none"> - Landscape of Dutch election process and (government) actors – <i>Ministry of the Interior and Kingdom Relations</i> - TTPA – <i>Dutch Data Protection Authority & Dutch Media Authority</i>
14:00 – 14:15	Measures for politicians/political parties	<ul style="list-style-type: none"> - Threats against politicians - Contact point/action perspective for political parties/politicians - AI generated information about candidates and political parties
14:15 – 14:30	Break	
Part II: online platforms, government bodies, civil society, academics		
14:30 – 14:35	Opening by Manon Leijten (Board Member of the ACM)	
14:35 – 15:05	Synthetic content: political issues and election information	<ul style="list-style-type: none"> - <i>Introduction by external speaker</i> - Synthetic content about political issues - Chatbots/AI: responses about parties, politicians and elections
15:05 – 15:35	Recommender systems	<ul style="list-style-type: none"> - <i>Introduction by external speaker</i> - How content is prioritized - System abuse
15:35 – 16:05	Access to publicly available data for researchers	<ul style="list-style-type: none"> - <i>Introduction by external speaker</i> - Access pursuant to Art. 40(12) DSA: experiences and obstacles
16:05 – 16:20	Break	
16:20 – 16:50	Virality	<ul style="list-style-type: none"> - <i>Introduction by external speaker</i> - Timely detection and intervention of harmful content - Cross-platform distribution
16:50 – 17:20	Open discussion	<ul style="list-style-type: none"> - What structural improvements are needed before the elections? - What is needed from the ACM/DSCs? - Collaboration between researchers and platforms

The European Commission and Dutch authorities pressured platforms to take additional censorship steps ahead of the 2025 Dutch election.

2. European Parliament (2024)

Elections for the European Parliament, the legislature of the European Union, took place from June 6 to 9, 2024. In this case, the European Commission's pre-election censorship campaign was particularly problematic because of an inherent conflict of interest: the European Parliament elects the President of the European Commission and confirms the European Commissioners.

In the month before the election, European Commission regulators summoned platforms for at least two meetings about election-specific content moderation measures. “At the outset” of these “DSA roundtables,” the European Commission warned platforms that it was “actively monitoring” them and would not hesitate to “take enforcement actions” if platforms did not sufficiently censor content.⁴³³ With that warning in mind, platforms presented to the European Commission “the specific actions and changes that they have made in relation to election readiness and that they are implementing in compliance with the DSA election guidelines.”⁴³⁴ Under threat of regulatory retaliation, the world’s largest social media platforms and search engines made “specific” censorship “changes” for the EU elections. They aligned their content moderation rules with the censorious DSA Election Guidelines to suppress content opposing the EU’s ruling regime—which was on the ballot. Moreover, because, platforms’ election content moderation rules generally apply worldwide, these EU-mandated censorship efforts could have resulted in censorship of American speech ahead of the 2024 presidential election.⁴³⁵



The European Commission threatened platforms with regulatory reprisal if they did not take additional censorship steps ahead of the 2024 EU election.

⁴³³ Minutes of Election Readiness DSA Roundtables (June 4, 2024), *see* Ex. 245.

⁴³⁴ *Id.*

⁴³⁵ *See* Internal Meta readout of Roundtable on DSA Elections Guidelines (Mar. 1, 2024), Ex. 243.

European Commission Vice President Vera Jourova also met with major tech platforms, including TikTok, in California less than two weeks before the elections. In her meeting with TikTok, she commended the censorship efforts it had taken under the Disinformation and Hate Speech Codes and “encouraged” TikTok to support the integration of these Codes into the formal DSA framework.⁴³⁶ She also shared “great concerns” about “fringe parties” posting “incredible videos” on TikTok—a clear indication that she sought to use the DSA to silence political speech.⁴³⁷ Yet Jourova disavowed specific knowledge of the European Commission’s DSA investigations, stating that she was focused on her own “narrative” rather than the facts and “details” actually in the evidentiary record of her investigations.⁴³⁸ And she previewed her priorities for the rest of 2024, stating that she wanted to begin “asking ourselves whether we are really filling the online space with positive information” without defining what “positive information” was or how government could fairly arbitrate such a standard.⁴³⁹

Summary of meeting with European Commission Vice-President Vera Jourova - 28th May 2024 (LAoffice)

- The VP thanked TikTok for increasing its resources and for **engagement under the EU Code of Practice on Disinformation** (COPD). It was later noted that we are *“one of the better players”* as regards the COPD, our initiatives and the level of detail provided at national level. Fact-checking coverage could be expanded but in general, things are going well. Later in the discussion, the general proliferation of disinformation in the context of Ukraine, Israel, New Caledonia and the Olympics was commented on by the VP.
- Similarly, TikTok’s good **performance under the EU Code of Conduct on Hate Speech** was noted. We were encouraged to support the conversion of both the COPD and the Hate Speech Code into DSA Codes of Conduct.

3. Turning to **minor safety**, the VP briefly referenced our DSA investigations into minor safety issues, noting that she was not into the details but was rather following “*the narrative*”.

5. The VP noted that the European Commission was now in a transition phase with the EU elections but she outlined **her focus for the remaining months**:
“Asking ourselves whether we are really filling the online space with positive information and ensuring the resilience of society”

European Commission Vice President Jourova commended TikTok on its censorship initiatives while admitting that she leads DSA investigations based on “the narrative,” not the facts.

⁴³⁶ Readout of meeting between TikTok staff and European Commission Vice President Vera Jourova (May 28, 2024), *see* Ex. 10.

⁴³⁷ *Id.*

⁴³⁸ *Id.* (emphasis omitted).

⁴³⁹ *Id.*

After the election, the European Commission graded platforms on their censorship performance. The Commission required platforms to submit a “detailed post-election report with quantitative data particularly around election products, content/entity actions and other meaningful performance metrics” for the period preceding the EU election.⁴⁴⁰ These reports allowed the Commission to see how platforms’ additional censorship steps worked in practice to limit the visibility of disfavored content. TikTok, for example, reported to the Commission that it “detect[ed] and remove[d] . . . misinformation narratives . . . around migration, climate change, security and defence and LGBTQ rights.”⁴⁴¹ Indeed, TikTok censored over 45,000 pieces of alleged “misinformation,” including clear political speech, during the EU election period under stringent content moderation policies adopted under threat of retaliation from the Commission.⁴⁴²

2024 European Parliament Elections Confidential Report	
<u>Executive Summary</u>	
<p>TikTok Technology Limited (TikTok) produces this confidential report pursuant to the ‘Commission Guidelines for providers of Very Large Online Platforms and Very Large Online Search Engines on the mitigation of systemic risks for electoral processes pursuant to Article 35(3) of Regulation (EU) 2022/2065’ (Elections Guidelines). In accordance with the Elections Guidelines, TikTok has undertaken a post-election review (Review) following the Elections for the European Parliament that took place across 27 Member States from 6 to 9 June 2024 (EU Elections). This report has been prepared by TikTok following the Review and is to be read alongside TikTok’s Crisis Report on the 2024 EU Parliamentary Elections, to be published on 24 September 2024 as part of TikTok’s commitments under the Code of Practice on Disinformation.</p> <p>TikTok has comprehensive and effective measures in place to anticipate, address and mitigate the risks associated with electoral processes, including the risks associated with election disinformation in the context of the EU Elections.</p> <p>Herein, ‘Election Period’ refers to the period from 6 May 2024 to 9 June 2024.</p>	
(III) Countering misinformation	<p>Summary. Our misinformation moderators receive enhanced training and tools to detect and remove misinformation and other violative content. We also have teams on the ground who partner with experts to ensure local context and nuance is reflected in our approach.</p> <p>In the four weeks leading up to and including the EU Elections, we removed over 2,600 pieces of content for violating our civic and election integrity policies, and over 43,000 pieces of content for violating our misinformation policies. We removed over 96% of violative misinformation content before it was reported to us, and over 80% before receiving a single view by users. Some of the misinformation narratives we observed included narratives around migration, climate change, security and defence and LGBTQ rights.</p>

TikTok’s post-election “confidential report” stated that it removed more than 45,000 alleged “misinformation” posts under pressure from the Commission ahead of the EU election.

In a post-election meeting with platforms, the European Commission also asked what “future improvements you plan to employ for the various elections in Member States taking place this year,” implying that it expected additional censorship actions for future European national elections.⁴⁴³

Altogether, this was an unprecedented effort to interfere with European citizens’ right to make free and informed decisions about the future of the EU. These voting decisions directly affected the future of the EU’s decade-long global censorship campaign. It is a tale as old as time: give the state the power to censor speech, and it uses that power to silence dissent and strengthen its own grip on power. And in this case, the effects may not have been limited to the EU.

⁴⁴⁰ Readout from the third European Commission roundtable on parliamentary elections (July 10, 2024), *see Ex. 250*; *see* *TikTok 2024 European Parliament Elections Confidential Report* (Sep. 24, 2024), Ex. 253.

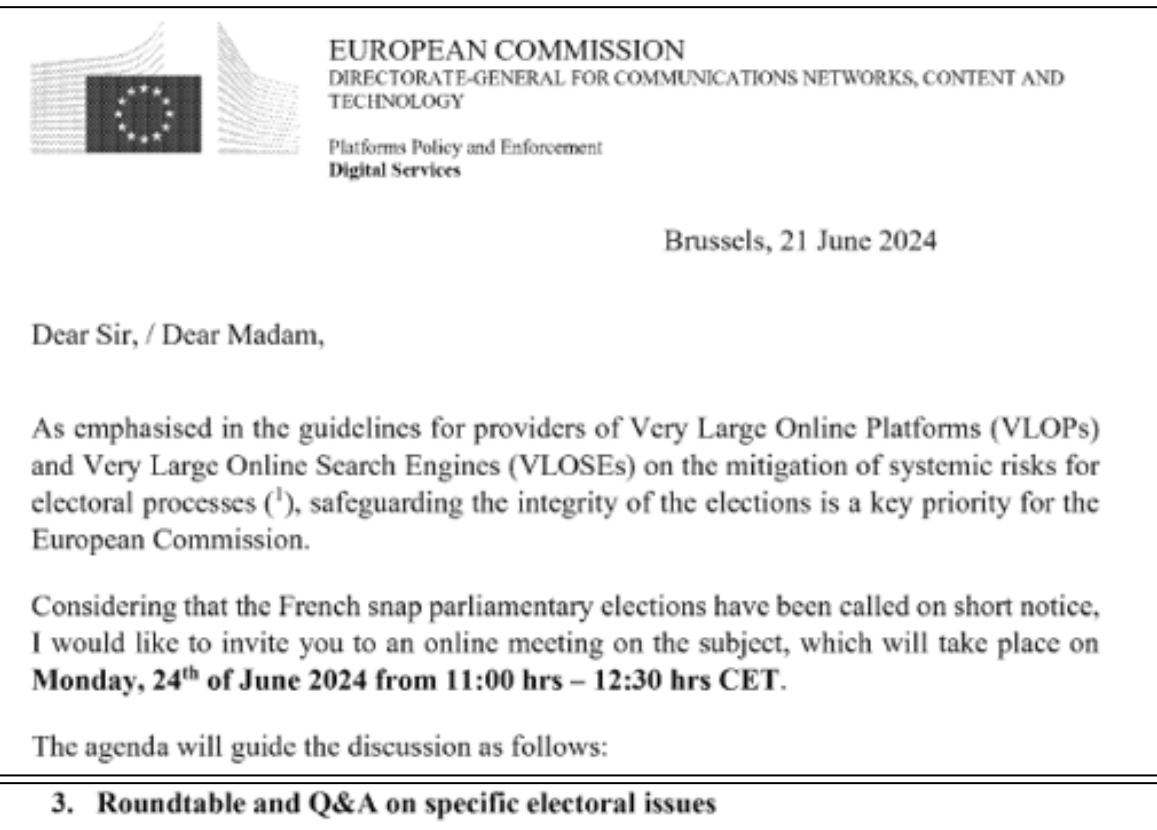
⁴⁴¹ *TikTok 2024 European Parliament Elections Confidential Report* (Sep. 24, 2024), *see Ex. 253*.

⁴⁴² *Id.*

⁴⁴³ Invitation from the European Commission to a roundtable on election readiness (July 3, 2024), *see Ex. 249*.

3. France (2024)

France held legislative elections in June and July 2024. Once again, the European Commission hosted a meeting with platforms shortly before the elections.⁴⁴⁴ This time, the meeting was a “Q&A” between platforms and the European Commission “on specific electoral issues.”⁴⁴⁵ At the European Commission’s request, “Google, Meta, Microsoft, TikTok, and X” presented on their “preparatory work for the French election,” including their approach to censoring “disinformation.”⁴⁴⁶



3. Roundtable and Q&A on specific electoral issues

Presentations from Google, Meta, Microsoft, TikTok and X on the French legislative elections, with a particular focus on the period of silence online, disinformation and political advertising followed by an exchange of views

The European Commission summoned platforms to defend their censorship measures ahead of the 2024 French election.

⁴⁴⁴ Agenda for a European Commission meeting on the French parliamentary elections (June 21, 2024), *see* Ex. 247.

⁴⁴⁵ *Id.*

⁴⁴⁶ *Id.*

4. Moldova (2024)

One month before Moldova’s 2024 presidential election, the European Commission’s “EU Support Hub” for Moldova hosted a two-day summit with platforms on “addressing disinformation risks through digital services regulation,” with speakers including the Prime Minister of Moldova.⁴⁴⁷ Discussion included “best practices” for censoring alleged disinformation, with a specific focus on the DSA.⁴⁴⁸ The presidential election included a candidate from the same party as Moldova’s Prime Minister,⁴⁴⁹ raising significant conflict of interest concerns. Moreover, Moldova is not yet an official Member State of the European Union, raising further questions about why a DSA-discussion in Moldova took place when the Commission claims that the DSA is not extraterritorial and does not apply to Moldova.⁴⁵⁰

19 th September	
Session 3	
Addressing disinformation risks on online platforms through digital services regulation: The state of play in Moldova and the EU	
08:30 – 09:00	Registration and coffee
09:00 – 10:00	<p><u>Panel description:</u> This panel will highlight best practices and challenges in Moldova and EU Member States in tackling FIMI and risks for electoral processes stemming from disinformation through regulation of online services and through cooperation with social media platforms. The panel will particularly review the Digital Service Act, its implementation in the EU and at EU Member State level, and the regulatory framework and state of play of DSA alignment in Moldova.</p> <p>Introductory remarks and moderation (15 minutes):</p> <ul style="list-style-type: none"> • Redacted State Secretary, Ministry of Economic Development and Digitalization Representative of the Ministry of Economic Development • Redacted Deputy Director General, European Commission/DG Connect • Redacted Head of Unit, European Commission/DG Near <p>Moderator: Representative of EUPM, DG Connect or StratCom Centre (TBC)</p>

The European Commission hosted a “summit” on disinformation with platforms ahead of the 2024 Moldovan presidential election.

⁴⁴⁷ Agenda for the 11th Meeting of the EU Support Hub for International Security and Border Management in Moldova on “Countering Foreign Information Manipulation and Interference” (Sep. 18, 2024), see Ex. 251.

⁴⁴⁸ *Id.*

⁴⁴⁹ See Jakub Pienkowski, *Party of Action and Solidarity Gains Full Power: The Opening Record of the Pro-European Government in Moldova*, POLISH INSTITUTE OF INT’L AFFAIRS (Sep. 13, 2021).

⁴⁵⁰ See generally *The Republic of Moldova*, CENTRE FOR MEDIA PLURALISM AND MEDIA FREEDOM, <https://cmpf.eui.eu/country/moldova/> (last accessed Jan. 31, 2026) (“Moldova is not subject to the Digital Services Act (DSA).”).

5. Ireland (2024 and 2025)

Most major technology platforms have their European headquarters in Dublin, making the outcome of Irish elections particularly important to the European Commission's tech agenda. For the same reason, Ireland's media regulator, the Coimisiún na Meán, is one of the most powerful in the world. Both the Commission and the Irish regulator engaged with platforms ahead of Ireland's 2024 parliamentary elections and 2025 presidential election, and Irish officials have noted how they "work closely with the Commission in the enforcement of the DSA."⁴⁵¹

Two weeks before the 2024 election, Coimisiún na Meán hosted a "DSA Election Roundtable" alongside Commission regulators.⁴⁵² Ahead of the meeting, the Irish regulator sent platforms a list of questions they should be prepared to answer, including several about platforms' DSA risk assessment, cooperation with left-wing NGOs and biased fact-checkers, and platforms' censorship "processes [and] procedures."⁴⁵³

T: [REDACTED] | info@cnam.ie | www.cnam.ie



**Coimisiún
na Meán**

Risk assessment for Irish Elections

1. Have you conducted a risk assessment for the Irish election? At what point has this been conducted- when the election is officially called or beforehand?
- 2. What risks were identified?**
3. How does the risk profile of the Irish General Election compare to other EU national elections?
4. In relation to conducting the risk assessment and possible mitigation measures is there third-party cooperation in place, in general and for this specific election? For example, cooperation with researchers, CSOs or fact-checkers?

Processes & Procedures

1. What lessons are you taking from the EP elections to national elections?
2. Do you consult with stakeholders on the measures that you will take? If you do so, how does this process work in practice?
3. What is the impact on resources due to other elections occurring at this time?
4. Where is the point of contact for the Irish Elections based?
5. Are there members of the team focusing on Irish elections who speak Irish?
6. What resources are available to the team focusing on Irish Elections?

The Irish media regulator asked platforms about their censorship "processes [and] procedures" ahead of the 2024 election.

⁴⁵¹ Readout of "Protecting The 2024 Elections: From Alarm to Action" (Mar. 8, 2024), *see* Ex. 244.

⁴⁵² Emails between Meta staff and Irish regulators (Nov. 7, 2024), *see* Ex. 256.

⁴⁵³ Coimisiún na Meán Questionnaire on DSA Risk Assessment for Irish Elections, *see* Ex. 281.

After the meeting, the Irish regulator followed up and asked Meta additional questions about its “media literacy initiatives,” noting that such initiatives were listed as a best practice under the not-so-voluntary DSA Election Guidelines.⁴⁵⁴ Each of these interactions created additional censorship pressure on platforms. Platforms, after a decade of the European Commission’s harassment, knew what it wanted—more censorship. They knew that the European Commission and the Irish media regulator would ask about their censorship measures during these pre-election meetings. And they knew that the European Commission could—and would—retaliate against them if they failed to take adequate censorship measures from the perspective of the Commission.

Similarly, ahead of the 2025 Irish presidential election, the Irish media regulator hosted a “Digital Services Act Election Roundtable” with the European Commission and platforms. During the meeting, the European Commission warned platforms that the DSA Election Guidelines required “measures to be taken” ahead of the election, including “reinforcing internal processes” regarding content moderation.⁴⁵⁵ During the roundtable portion of the event, regulators asked platforms specifically “what measures [they had] put in place.”⁴⁵⁶ Meta responded that it had updated its “election risk assessment” and “mitigations,” meaning that it put in place additional censorship steps—though it did not specify exactly what steps those were.⁴⁵⁷ Google emphasized its use of AI tools to detect misinformation, while Microsoft stated that it removed misinformation that violated its policies and “deranked” (i.e., reduce the content’s visibility) it if the content did not violate its policies.⁴⁵⁸

- **Art 34 and Art 35 DSA obligations:** EC DSA Enforcement Team reminded platforms of their Art 34 and Art 35 DSA obligations which require platforms to conduct risk assessment and put in place appropriate measures in place to mitigate these risks. Platforms need to consider risks to civil discourse and electoral processes and this is a priority focus area for the EC
- **Electoral Guidelines:** CnAM and EC noted that these Guidelines are issued under the DSA. The Guidelines outline measures to be taken before, during and after electoral processes, including recommendations on reporting, engaging with external stakeholders and reinforcing internal processes and publishing information on measures that have been taken for certain elections.

European Commission regulators reminded platforms of their censorship obligations ahead of the 2025 Irish presidential election.

⁴⁵⁴ Emails between Meta staff and Irish regulators (Nov. 18, 2024), *see* Ex. 257.

⁴⁵⁵ Readout of Coimisiún na Meán Irish Presidential Election Roundtable (Sep. 24, 2025), *see* Ex. 279.

⁴⁵⁶ *Id.*

⁴⁵⁷ *Id.*

⁴⁵⁸ *Id.*

6. Rapid Response Systems

Under the auspices of the Disinformation Code and the DSA Election Guidelines, the Commission has activated a censorship apparatus known as a “rapid response system” ahead of several recent European elections.⁴⁵⁹ Under these “rapid response systems,” European Commission-approved fact-checkers are given the ability to make priority censorship requests in the weeks before and after major elections.⁴⁶⁰ These so-called fact-checkers are invariably left-wing and pro-censorship—anything but politically neutral.⁴⁶¹ Moreover, the requirement that these fact-checkers be approved by the European Commission creates a clear structural incentive for the participants to censor Euroskeptic opinion and content that undermines the Commission’s preferred political narratives. The European Commission has activated rapid response systems ahead of the 2024 French legislative election,⁴⁶² the 2024 Moldovan presidential election,⁴⁶³ the 2024-2025 Romanian presidential election,⁴⁶⁴ and the 2025 German legislative election.⁴⁶⁵

v. *Allegations of pervasive Russian interference in the 2024 Romanian presidential election, which was annulled after a populist candidate won the first round of voting, are undermined by internal platform documents.*

The first round of the 2024 Romanian presidential election took place on November 24, 2024.⁴⁶⁶ Independent populist candidate Calin Georgescu won an upset victory, advancing to a runoff against centrist candidate Elena Lasconi.⁴⁶⁷ However, in between the first and second rounds of voting, the Constitutional Court of Romania annulled the election after Romania’s intelligence service alleged that Russia boosted Georgescu’s campaign on social media.⁴⁶⁸ Subsequent public reporting has called this narrative into question, finding that another Romanian political party may have been behind the alleged Russian social media campaign.⁴⁶⁹

⁴⁵⁹ See DSA Election Guidelines, *supra* note 45, § 3.7

⁴⁶⁰ See *Code of Practice Signatories implement the Code’s commitment for a Rapid Response System ahead of EP elections*, DISINFORMATION CODE TRANSPARENCY CENTER, <https://disinfocode.eu/eu-elections-2024/> (last accessed Jan. 26, 2025).

⁴⁶¹ See DSA Censorship Report I, *supra* note 3, at 29.

⁴⁶² Emails from European Commission staff to members of the Code of Practice Task Force (June 24, 2024), *see* Ex. 248.

⁴⁶³ Emails between European Commission staff and TikTok staff (Oct. 23, 2024), *see* Ex. 255; Emails from European Commission staff to platforms (Sep. 24, 2024), *see* Ex. 252.

⁴⁶⁴ Emails between European Commission staff and platforms (Nov. 29, 2024), *see* Ex. 263.

⁴⁶⁵ Emails between European Commission staff and TikTok staff (Feb. 3, 2025), *see* Ex. 271.

⁴⁶⁶ Stephen McGrath, *Romanian court orders recount of the 1st round of the presidential vote, won by a far-right outsider*, AP (Nov. 28, 2024).

⁴⁶⁷ Thomas Grove & Alan Cullison, *Romania Scraps Election After Russian Influence Allegations*, WALL. ST. J. (Dec. 6, 2024).

⁴⁶⁸ *Id.*

⁴⁶⁹ Rowan Ings, *The TikTokers accused of triggering an election scandal*, BBC (Apr. 30, 2025) (“Authorities still haven’t provided any concrete evidence of Russian interference in the election . . . the Romanian Tax Authority revealed that the [alleged Russian] campaign was paid for by the centre-right National Liberal Party (PNL).”)

Nonetheless, the Romanian election authority barred Georgescu from running in the do-over election in May 2025.⁴⁷⁰

Internal TikTok documents and communications with the European Commission and Romanian authorities further undermine the narrative of Russian interference. TikTok's internal intelligence teams consistently assessed that Russia *did not* conduct a coordinated influence operation to boost Georgescu's campaign and repeatedly shared that assessment with European Commission and Romanian authorities.⁴⁷¹ Internal documents also show that ahead of the annulled election, Romanian regulators empowered under the DSA worked to silence content supporting populist and nationalist candidates, including through global content removal orders.⁴⁷² After the election, as the yet-unsubstantiated allegations of Russian interference began to circulate, the Commission acted quickly, opening a formal DSA investigation into TikTok's moderation practices for political speech.⁴⁷³

Ahead of the 2024 election, Romanian authorities repeatedly made content takedown requests outside of the formal DSA process, using expansive interpretations of their own power to mandate removals of political content. As TikTok later told the European Commission, the platform was "wary of the very informal approach" to takedown requests "adopted by the [Romanian Elections Authority] in the context of the Romanian elections, in particular the potential for political influence on the process and/or the unjustified removal of legal content (such as political speech)."⁴⁷⁴ TikTok noted that the legal arguments accompanying these removal demands—when there were any at all—"sought to convey a very broad interpretation" of the election authority's power.⁴⁷⁵ For example, Romanian authorities asked TikTok "to remove content on the basis that it was '*disrespectful and insults the PSD party*'"⁴⁷⁶—a left-wing party that was part of the ruling coalition in Romania's parliament at the time. Between the first round of the election and its annulment, the Romanian orders were even more aggressive: regulators told TikTok that "all materials containing Calin Georgescu images must be removed."⁴⁷⁷ These actions—silencing critics of one candidate and supporters of another—are profoundly anti-democratic. TikTok agreed, refusing to remove private citizens' pro-Georgescu posts on free speech grounds.⁴⁷⁸

⁴⁷⁰ Sarah Rainsford & Laura Gozzi, *Final ruling bars far-right Georgescu from Romanian vote*, BBC (Mar. 11, 2025).

⁴⁷¹ See TikTok Response to Commission RFI (Dec. 7, 2024), Ex. 266; TikTok Response to Commission RFI (Dec. 13, 2024), Ex. 268.

⁴⁷² See Emails between Romanian regulators, European Commission staff, and TikTok staff (Nov. 28, 2024), Ex. 264.

⁴⁷³ See *Supervision of the designated very large online platforms and search engines under the DSA*, EUROPEAN COMM'N, <https://digital-strategy.ec.europa.eu/en/policies/list-designated-vlops-and-vloses#ecl-inpage-tiktok> (last visited Jan. 29, 2026).

⁴⁷⁴ TikTok Response to Commission RFI (Dec. 13, 2024), *see* Ex. 268.

⁴⁷⁵ *Id.*

⁴⁷⁶ *Id.* (emphasis in original)

⁴⁷⁷ Letter from TikTok to the European Commission (Nov. 29, 2024), *see* Ex. 265 (emphasis omitted).

⁴⁷⁸ *Id.*

In respect of Category 1, TikTok notes as follows:

- i. Prior to 21 November 2024, TikTok received a small number of communications from the AEP containing informal requests. Each of these communications was sent by informal email to TikTok's Government Relations & Public Policy Manager ("TikTok GR/PP") for Romania. The emails did not purport to be or pertain to formal orders or authorisations; they simply contained informal requests set out in the body of an email. For example, one of these requests was for TikTok to remove content on the basis that it was "*disrespectful and insults the PSD party*", but without stating any specific legal basis in support of this request. TikTok twice sought further details of the legal basis for this request, but the AEP provided no such details in response.⁴⁷⁹ In a subsequent email, the AEP reported a suspected 'deepfake' in "*a video montage meant to discredit a presidential candidate*". The reported video content was assessed by TikTok's Trust & Safety team and removed (within approximately 24 hours) for violating TikTok's Community Guidelines (the "Community Guidelines").
- ii. From 21 November 2024, the AEP began to attach decisions of the Romanian electoral authorities to certain of their email requests (i.e. decisions from either the Central Electoral Office or County Electoral Offices). Each of these decisions were general in nature and were not specifically addressed to TikTok. In terms of the approach for the communications attaching these decisions, the AEP, for example, set out in its emails (again in a highly informal manner) URLs to content that the AEP alleged was illegal based on the particular decision attached. TikTok notes that several of the communications from the AEP sought to convey a very broad interpretation of the relevant decision attached. It is also important to note that none of these communications met the criteria specified under Article 9(2) of the DSA. For example, because they did not clearly: set out their legal basis; contain a statement of reasons explaining why the information is illegal content; contain information about redress mechanisms; and/or specify their territorial scope. In addition, they did not contain an English translation of the core elements and they were not transmitted to TikTok's single point of contact ("SPOC"), as required by Article 9(2)(c) DSA.
- iii. In light of the above, in handling these communications in good faith, TikTok's teams were wary of the very informal approach adopted by the AEP in the context of the Romanian elections, in particular the potential for political influence on the process and/or the unjustified removal of legal content (such as political speech). In these circumstances, and given that none of the communications met the requirements stipulated under Article 9 DSA (notwithstanding several requests from TikTok in this regard) – TikTok nonetheless acted in good faith and assessed content identified in these requests: (i) against TikTok's Community Guidelines; and/or (ii) for compliance with Romanian electoral laws (based on advice from external Romanian legal counsel).

TikTok raised concerns about censorship of political content by Romanian regulators ahead of the 2024 presidential election.

These aggressive takedown requests even included a *global takedown order* for certain pro-Georgescu content.⁴⁷⁹ In response to a Romanian court order, TikTok geo-blocked videos that were alleged to be out of compliance with campaign finance transparency requirements.⁴⁸⁰ Subsequently, the Romanian elections regulator stated that "the [Romanian court] decision" mandating removal of the content "is mandatory not only in Romania."⁴⁸¹ TikTok appears to

⁴⁷⁹ Emails between Romanian regulators, European Commission staff, and TikTok staff (Nov. 28, 2024), *see* Ex. 264.

⁴⁸⁰ *Id.*

⁴⁸¹ *Id.*

have stood firm and refused to remove content globally for non-compliance with local Romanian law—much to the chagrin of Romanian regulators.⁴⁸² After the election, the Romanian Intelligence Service complained that while TikTok “block[ed] visual access to” certain posts “from the territory of Romania, they still remaining [sic] visible in other state [sic] and being [sic] possible to be distributed.”⁴⁸³ Global takedowns violate the sovereignty of the United States and every other country on earth, allowing foreign judges and regulators to censor content where they have no jurisdiction to do so.

On Thu, Nov 28, 2024 at 9:59 PM Redacted @roaep.ro wrote:

Hi,

I want to detail question number 2 to understand the context and TikTok's ineffective response to our request based on a decision by the Central Electoral Bureau.:

What I can confirm is that the first decision was ineffective implemented. I have not seen any materials removed from the respective account and erroneously it is said that access to the video content published by the candidate's account was removed in Romania (the BEC decision is mandatory not only in Romania. It is very difficult to assess what was removed considering that hundreds of accounts, possibly from Romania and abroad, were distributing a post expressly mentioned as a post that violates the legislation and the BEC decision as an example in the email to TikTok). Just yesterday during the ad hoc online meeting, I checked the account and it has dozens of posts not marked as a candidate or with a financial representative code.

Romanian authorities claimed the power to issue global takedown orders.

On December 6, the Romanian Constitutional Court annulled the first round of the presidential election and canceled the runoff vote based on the Romanian Intelligence Service’s allegation that Russia conducted a TikTok campaign to artificially boost support for Georgescu.⁴⁸⁴ TikTok’s internal threat intelligence team did not concur in this assessment, repeatedly informing Romanian authorities and the Commission that it lacked evidence to support their allegations.⁴⁸⁵ In submissions to the European Commission, TikTok stated that it detected three coordinated influence operations (CIOs) on the platform during the Romanian election period—none of which emanated from Russia.⁴⁸⁶ Only one of these CIOs sought to promote Georgescu’s campaign.⁴⁸⁷ It operated from Romania and amassed fewer than 2,000 followers.⁴⁸⁸

⁴⁸² Romanian Information Service: Note No. 2 to the Romanian Supreme Council for National Defense (2024), see Ex. 236.

⁴⁸³ *Id.*

⁴⁸⁴ Thomas Grove & Alan Cullison, *Romania Scraps Election After Russian Influence Allegations*, WALL. ST. J. (Dec. 6, 2024); see also Romanian Ministry of Internal Affairs: *Information Note* (2024), Ex. 238; Romanian Information Service: Note No. 1 to the Romanian Supreme Council for National Defense (2024), Ex. 237; Romanian Information Service: Note No. 2 to the Romanian Supreme Council for National Defense (2024), Ex. 236; *External Information Service Note: Analysis of national security risks generated by the actions of state and non-state cyber actors on IT&C infrastructures, support for the electoral process* (Nov. 28, 2024), Ex. 260.

⁴⁸⁵ See TikTok Response to Commission RFI (Dec. 13, 2024), Ex. 268; TikTok Response to Commission RFI (Dec. 7, 2024), Ex. 266; TikTok slide deck: *Romanian Elections Platform Integrity Briefing* (Nov. 28, 2024), Ex. 259.

⁴⁸⁶ TikTok Response to Commission RFI (Dec. 13, 2024), see Ex. 268; TikTok Response to Commission RFI (Dec. 7, 2024), see Ex. 266.

⁴⁸⁷ TikTok Response to Commission RFI (Dec. 13, 2024), see Ex. 268.

⁴⁸⁸ *Id.*

On November 28, four days after the election and as allegations of Russian influence began to emerge, TikTok briefed the Romanian media regulator on its election integrity measures.⁴⁸⁹ TikTok noted “suspicious activity around potentially undisclosed paid political promotion videos” related to Georgescu, but did not tie this to Russia.⁴⁹⁰ Subsequent media reports indicated that another Romanian political party orchestrated the TikTok campaign in question.⁴⁹¹

On December 7, TikTok made a similar statement to the European Commission, writing that “TikTok has not found, nor has been presented with, any evidence of a coordinated network of 25,000 accounts associated with Mr. Georgescu’s campaign”⁴⁹²—the key allegation by the Romanian authorities.⁴⁹³

Section 1.1 - Questions and Answers

(1) **The Romanian President declassified the information submitted by the Romanian Intelligence Service, the Foreign Intelligence Service and the Ministry of Internal Affairs at the meeting of the Supreme Council for the Defence of the Country on 28 November 2024 (6). These documents contain a number of findings regarding the use made of TikTok in the context of the Presidential elections held on 24 November 2024, including the following:**

- The existence of inauthentic coordination on the platform, including through the use of hashtags, to promote one presidential candidate;**

3. TikTok understands that this statement (“*The existence of inauthentic coordination on the platform, including through the use of hashtags, to promote one presidential candidate*”) refers to the assertion at paragraph 1.1 of Document SRI I that a: “*network of accounts directly associated directly with Călin GEORGESCU's campaign initially consisted of 25,000 accounts on the TikTok platform, which became very active two weeks before the election date*”.
4. **TikTok has not found, nor been presented with, any evidence of a coordinated network of 25,000 accounts associated with Mr Georgescu's campaign.** Per TikTok's standard process, TikTok continues to monitor, investigate, and take action on attempts to deceive its community, and TikTok investigates leads that are reported to it.

TikTok informed the European Commission that it had “not found, nor been presented with” evidence to support Romanian authorities’ key allegation of Russian interference.

Nonetheless, the European Commission ignored TikTok’s findings and used the opportunity to suppress legitimate political speech online. On November 29, DG-Connect convened a roundtable on Romanian political content moderation with platforms, Romanian

⁴⁸⁹ TikTok slide deck: *Romanian Elections Platform Integrity Briefing* (Nov. 28, 2024), Ex. 259.

⁴⁹⁰ *Id.*

⁴⁹¹ Rowan Ings, *The TikTokers accused of triggering an election scandal*, BBC (Apr. 30, 2025) (“The Romanian Tax Authority revealed that the [alleged Russian] campaign was paid for by the centre-right National Liberal Party (PNL).”).

⁴⁹² TikTok Response to Commission RFI (Dec. 7, 2024), *see* Ex. 266.

⁴⁹³ *See Romanian Information Service: Note No. 1 to the Romanian Supreme Council for National Defense* (2024), Ex. 237.

authorities, and European Commission regulators.⁴⁹⁴ As allegations of Russian interference intensified, the European Commission also demanded information about TikTok’s political content moderation practices, asking about “changes” to TikTok’s “processes, controls, and systems for the monitoring and detection of any systemic risks.”⁴⁹⁵ The European Commission used this still-unproven narrative to pressure TikTok to engage in more aggressive political censorship. In response, TikTok informed the Commission that it would censor content with the terms “coup” and “war”—clear political speech related to Romania’s perceived perversion of the democratic process—“for the next 60 days to mitigate the risk of harmful narratives.”⁴⁹⁶ But that was not enough. On December 17, the European Commission opened a formal DSA investigation into TikTok for failing to aggressively censor content before and after the Romanian election.⁴⁹⁷

(2) Please explain any changes the provider of TikTok has implemented to its processes, controls, and systems for the monitoring and detection of any systemic risks of negative effects on civic discourse and electoral processes in light of the claims made available by civil society organisations (⁹), Romanian authorities and the intelligence documents declassified by the Romanian President on 4 December 2024 (⁹).

The European Commission pressured TikTok to censor additional political content in response to unproven allegations of Russian interference in the 2024 Romanian election.

By late December 2024, media reports citing evidence from Romania’s tax authority found that the alleged Russian interference campaign had, in fact, been funded by another Romanian political party.⁴⁹⁸ Yet the European Commission and Romanian authorities continued their aggressive censorship campaign. In a February 2025 meeting, DG-Connect summoned TikTok’s product team for a meeting on its “deceptive behavior policies and enforcement” and “potential[ly] ineffective” DSA “mitigation” measures.⁴⁹⁹ The European Commission’s desire to meet with TikTok’s internal product team, rather than the government affairs and compliance staff whose job it was to manage TikTok’s relationship with the Commission, indicates that the European Commission sought deeper influence over the platform’s internal moderation processes.

⁴⁹⁴ Discussion Questions for Election Roundtable on Romanian Elections (Nov. 29, 2024), *see* Ex. 262; Invitation to Election Roundtable on Romanian Elections (Nov. 28, 2024), *see* Ex. 258.

⁴⁹⁵ TikTok Response to Commission RFI (Dec. 7, 2024), *see* Ex. 266.

⁴⁹⁶ TikTok Report on Romanian content (Dec. 12, 2024), *see* Ex. 267.

⁴⁹⁷ *Supervision of the designated very large online platforms and search engines under the DSA*, EUROPEAN COMM’N, <https://digital-strategy.ec.europa.eu/en/policies/list-designated-vlops-and-vloses#ecl-inpage-tiktok> (last visited Jan. 29, 2026).

⁴⁹⁸ See Denis Cenusu, *Romanian liberals orchestrated Georgescu campaign funding, investigation reveals*, BNE INTELLINEWS (Dec. 22, 2024).

⁴⁹⁹ Emails between European Commission staff and TikTok staff (Feb. 12, 2025), *see* Ex. 272.

On Wed, Feb 12, 2025 at 11:00 AM | Redacted

cc.europa.eu> wrote:

As discussed, we are coming back to you to confirm the new date of the product team meeting:
Thursday, 20 February, 14.00-16.00.

The areas we would like to cover in the meeting are:

1. Fake engagement & deceptive behaviour policies & enforcement
2. Potential ineffectiveness of model detection for viral content
3. The 'Promote' feature
4. Boosting engagement by TikTok on FYF
5. Potential ineffective mitigation measures for search recommendations
6. Review of political ads and enforcement of branded political content policies

Can you please confirm if the above date works for you and the names and email addresses of the participants on your side?

Based on the topics above, please do send a proposal for the agenda as well.

Thank you and have a great rest of your day!

Best regards,

Redacted for the team

The European Commission continued harassing TikTok even after claims of Russian interference in the Romanian election were undermined.

The same month, Romanian authorities met with TikTok to discuss its censorship “measures” and “compliance” with the censorious DSA Election Guidelines ahead of the rescheduled May election.⁵⁰⁰ One month later, in March, Romanian regulators held a roundtable with major platforms, misinformation pseudoscientists, focusing on “mitigation measures envisaged or already put in place by [platforms], in line with the recommendations included in the” DSA Election Guidelines.”⁵⁰¹ The European Commission and Romanian authorities were committed to maintaining aggressive censorship measures ahead of the rescheduled elections, even though their previous allegations of Russian influence had not been substantiated.

Throughout the Romanian electoral process, NGOs empowered by the European Commission to make priority censorship requests—either as DSA Trusted Flaggers or through the Commission’s Rapid Response System—made politically biased content removal demands. The Bulgarian-Romanian Observatory of Digital Media, which is funded by the EU,⁵⁰² sent TikTok spreadsheets containing hundreds of censorship requests in the days after the first round of the initial election.⁵⁰³ While some of the content may have been genuinely objectionable, much of the flagged content appears to be standard pro-Georgescu and anti-progressive political speech, including political content related to Georgescu’s positions on environmental issues and

⁵⁰⁰ Draft agenda for meeting between TikTok and Romanian regulators (Feb. 27, 2025), *see* Ex. 274.

⁵⁰¹ Internal email among Meta staff (Feb. 24, 2025), *see* Ex. 273; Agenda for Roundtable - 2025 Romanian Presidential Elections (Mar. 3, 2025), *see* Ex. 275.

⁵⁰² See Fact Checking, BULGARIAN-ROMANIAN OBSERVATORY OF DIGITAL MEDIA, <https://brodhub.eu/en/fact-checking/> (last visited Jan. 29, 2026).

⁵⁰³ Spreadsheet of content about the Romanian election flagged for TikTok, *see* Ex. 282; Spreadsheet of content about the Romanian election flagged for TikTok, *see* Ex. 283; Spreadsheet of content about the Romanian election flagged for TikTok, *see* Ex. 284; Spreadsheet of content about the Romanian election flagged for TikTok, *see* Ex. 285.

Romania's membership in the Schengen Area, the EU's internal system of open borders.⁵⁰⁴ Similarly, Romanian fact-checker Funky Citizens flagged at least 334 TikTok videos for removal during November and December 2024.⁵⁰⁵ At least 153 of these were removed globally for violating TikTok's content moderation rules, which had been the subject of EU censorship pressure for several years, while other videos were geo-blocked.⁵⁰⁶ Flagged content included political speech about the annulled election, such as allegations "that the elections were canceled because the establishment didn't want candidate Calin Georgescu to become president because this stops their plans to start war."⁵⁰⁷ Funky Citizens copied European Commission regulators on each of the censorship requests, indicating that they were acting with the Commission's tacit blessing and increasing the pressure on TikTok to comply.⁵⁰⁸

Good evening,

Please see in the spreadsheet some flags identified by my colleagues on their elections monitoring in RO:

[Report_08.12.xlsx - Google Sheets](#)

Please note that we will be sending another batch of flags in the coming day because we see an increase in posts related to the annulment of the elections.

Also, please kindly note a very specific rise in disinformation and misinformation related to war being started or mobilization for war. In our view, a particular attention should be paid to posts with #razboi getting viral at this point in association to the decision to cancel the elections (the narrative goes that the elections were canceled because the establishment didn't want candidate Calin Georgescu to become president because this stops their plans to start war/ draw Romania into a war).

Thank you,

Redacted

Redacted

Funky Citizens
www.funky.org

E-mail: Redacted@funky.org

So-called fact-checkers empowered by the European Commission urged platforms to censor political speech about the annulment of the Romanian election.

⁵⁰⁴ Spreadsheet of content about the Romanian election flagged for TikTok, *see* Ex. 284.

⁵⁰⁵ Emails among TikTok, the European Commission, and third parties (Dec. 20, 2024), *see* Ex. 185; Emails among TikTok, the European Commission, and third parties (Dec. 20, 2024), *see* Ex. 186; Emails among TikTok, the European Commission, and third parties (Dec. 20, 2024), *see* Ex. 270; Emails among TikTok, the European Commission, and third parties (Dec. 19, 2024), *see* Ex. 183; Emails among TikTok, the European Commission, and third parties (Dec. 19, 2024), *see* Ex. 184; Emails among TikTok, the European Commission, and third parties (Dec. 12, 2024), *see* Ex. 181.

⁵⁰⁶ *Id.*

⁵⁰⁷ Emails among TikTok, the European Commission, and third parties (Dec. 20, 2024), *see* Ex. 185.

⁵⁰⁸ Emails among TikTok, the European Commission, and third parties (Dec. 20, 2024), *see* Ex. 185; Emails among TikTok, the European Commission, and third parties (Dec. 20, 2024), *see* Ex. 186; Emails among TikTok, the European Commission, and third parties (Dec. 20, 2024), *see* Ex. 270; Emails among TikTok, the European Commission, and third parties (Dec. 19, 2024), *see* Ex. 183; Emails among TikTok, the European Commission, and third parties (Dec. 19, 2024), *see* Ex. 184; Emails among TikTok, the European Commission, and third parties (Dec. 12, 2024), *see* Ex. 181.

* * *

The European Commission has repeatedly and aggressively used its DSA powers to silence conservative speech—especially ahead of major European elections. The EU Internet Forum, initially created to stop online terrorist recruitment, now labels conventional conservative political speech as “violent right-wing extremism” and pressures platforms to censor it, going so far as to give them a handbook on how to do so. The EUIF has undertaken all of this even though the EUIF admits that the content it targets violates neither European law nor platform rules.

Since the DSA came into force, political censorship has only intensified. The European Commission has issued *de facto* binding political censorship rules for European elections and pressured platforms to aggressively censor political speech ahead of at least nine major European elections since 2023. This culminated in Romania in 2024, where the presidential election was annulled based on allegations of Russian social media interference that are disputed by media reports and, here for the first time, internal platform documents. And because platforms institute a common set of election practices worldwide, EU dictates may have caused censorship of U.S. political speech ahead of the 2024 presidential election.

VI. OPPORTUNITIES FOR REFORM EXIST, BUT THE EUROPEAN COMMISSION CONTINUES TO USE THE DSA AS A HEAVY-HANDED CENSORSHIP TOOL.

More than a decade into its censorship project and more than three years after the DSA’s passage, the European Commission has had ample opportunity to stop these censorship efforts and recommit itself to fundamental free speech principles. But at every juncture, Europe has instead sought even stricter control of political discourse worldwide. It is not too late—opportunities exist for critical reforms to protect free expression in Europe and around the globe. But every indicator shows the European Commission moving in the opposite direction, continuing its efforts to control online debate within and outside of the European Union.

A. The European Commission fined X €120 million for defending free speech and open discourse online.

After Elon Musk’s purchase of the platform then called Twitter, it became the first major social media platform to recommit itself to free expression. The platform, now called X, discarded biased, left-wing fact-checkers in favor of a system called Community Notes, in which users can append disclaimers to misleading or inaccurate posts.⁵⁰⁹ For this reason, X left the European Commission’s Disinformation Code, which requires platforms to use these third party fact-checkers.⁵¹⁰ X reinstated users previously banned for their political speech, including

⁵⁰⁹ See Vishwam Sankaran, *Twitter launches Community Notes feature that lets people add context to tweets*, THE INDEPENDENT (Dec. 12, 2022). Meta followed in X’s footsteps with a similar change in 2025. Kate Conger, *Meta Turns to Community Notes, Mirroring X*, N.Y. TIMES (Jan. 7, 2025).

⁵¹⁰ Francesca Gillett, *Twitter Pulls out of Voluntary EU Disinformation Code*, BBC (May 27, 2023); Disinformation Code, *supra* note 124, § VII.

President Trump,⁵¹¹ and refused to comply with foreign censorship orders, including global content removal orders, in Brazil and Australia.⁵¹²

Naturally, these free-speech actions collided with the EU's global censorship efforts. From the very beginning, the Commission has targeted X for its defense of free expression. After X left the allegedly voluntary Disinformation Code in May 2023, then-Commissioner Thierry Breton threatened the platform with retaliation under the DSA, warning X "you can run but you can't hide."⁵¹³ Once the DSA became enforceable in August 2023, Breton followed through on his threat. In October 2023, less than two months after the DSA's obligations became legally binding, the European Commission regulators opened an investigation into X's use of Community Notes instead of fact-checkers.⁵¹⁴ Since then, the European Commission has opened multiple additional investigations of X,⁵¹⁵ and in August 2024, Breton threatened X with retaliation under the DSA for hosting a U.S.-based interview with President Trump ahead of the 2024 U.S. presidential election.⁵¹⁶

The European Commission's campaign against X culminated in December 2025 with a €120 million (approximately \$140 million) fine—nearly six percent of X's global revenue.⁵¹⁷ On its own terms, the decision is ridiculous, punishing X for, among other things, "misappropriating the historical meaning" of blue checkmarks on Twitter by changing its business model and offering them to premium X subscribers.⁵¹⁸ The European Commission penalized X for at best minor violations like having an "ad repository"—a storehouse of ads previously hosted on the site—that produces results in spreadsheets, rather than embedded into the website.⁵¹⁹ And the Commission asserted expansive extraterritorial jurisdiction, claiming that the DSA could require X, an American company, to hand American data over to researchers around the world.⁵²⁰ The proffered offenses are so minor that there is only one conclusion: this is all pretextual. X, because of its commitment to free expression, has been in the European Commission's crosshairs from the very beginning. The Commission's December 2025 decision is the culmination of this campaign, and a clear warning to every platform: resistance to the Commission's censorship efforts will be met with severe regulatory retaliation. And the threat to X remains: the

⁵¹¹ Shannon Bond, *Elon Musk allows Donald Trump back on Twitter*, NPR (Nov. 19, 2022).

⁵¹² See STAFF OF THE H. COMM. ON THE JUDICIARY AND THE SELECT SUBCOMM. ON THE WEAPONIZATION OF THE FED. GOV'T OF THE H. COMM. ON THE JUDICIARY, 118TH CONG., THE ATTACK ON FREE SPEECH ABROAD AND THE BIDEN ADMINISTRATION'S SILENCE: THE CASE OF BRAZIL (Comm. Print Apr. 17, 2024); Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Ms. Julie Inman Grant, Australian eSafety Commissioner (Nov. 18, 2025).

⁵¹³ Thierry Breton (@ThierryBreton), X (May 26, 2023, 4:30 PM), <https://x.com/ThierryBreton/status/1662194595755704321?lang=en>.

⁵¹⁴ Press Release, European Comm'n, *The Commission sends request for information to X under the Digital Services Act* (Oct. 11, 2023), https://ec.europa.eu/commission/presscorner/detail/en/ip_23_4953.

⁵¹⁵ *Supervision of the designated very large online platforms and search engines under the DSA*, EUROPEAN COMM'N, <https://digital-strategy.ec.europa.eu/en/policies/list-designated-vlops-and-vloses#ecl-inpage-tiktok> (last visited Jan. 29, 2026).

⁵¹⁶ Letter from Mr. Thierry Breton, Comm'r for Internal Mkt., European Comm'n, to Mr. Elon Musk, Owner, X (Aug. 12, 2024).

⁵¹⁷ X Decision, *supra* note 61; *see also* House Judiciary GOP (@JudiciaryGOP), X (Jan. 28, 2026, 4:09 PM), <https://x.com/JudiciaryGOP/status/2016619751183724789>.

⁵¹⁸ X Decision, *supra* note 61, at 27.

⁵¹⁹ *Id.* at 57.

⁵²⁰ *Id.* at 93-94.

Commission's decision states that X faces a ban in the EU if X fails to give in to the Commission's censorship demands within 90 days.⁵²¹

i. The European Commission fined X €45 million for innovating the way blue checkmarks are awarded.

First, the Commission fined X €45 million for changing the way blue checkmarks are awarded on the platform.⁵²² Before Musk's purchase of the platform, blue checkmarks were awarded to verified accounts deemed notable by Twitter staff.⁵²³ X changed this policy in late 2022 and early 2023 to great public fanfare, introducing a regime by which blue checkmarks were awarded to users who pay for a premium experience on X.⁵²⁴ The EU claims that this change "deceives" X users and "impair[s] their ability to make free and informed decisions" by "misappropriating the historical meaning of the verification checkmarks" and "misappropriating the meaning of cross-industry visual standards."⁵²⁵ The Commission also took issue with X's algorithmic amplification of paying users, claiming that this "deceiv[es] the recipients of the service about the significance of their content."⁵²⁶

4.	Non-Compliance with Article 25(1) of Regulation (EU) 2022/2065	25
4.1.	The legal framework	25
4.2.	The relevant measures put in place by the provider of X	25
4.3.	The Commission's Preliminary Findings	27
4.3.1.	Misappropriating the historical meaning of the verification checkmarks of Twitter on the X service	27
4.3.2.	Misappropriating the meaning of cross-industry visual standards	33

The European Commission accused X of violating the DSA by "misappropriating" the meaning of a blue checkmark.

The European Commission's allegation that the new blue checkmark system is "dece[ptive]" is profoundly unpersuasive.⁵²⁷ As X noted to the Commission, "the average user of X is aware of the meaning of" blue checkmarks "due to extensive media coverage on the changed policy, public announcements about this change . . . and the explanatory webpages where the provider of X elaborates on how the new policy differs from the historical verification program of Twitter."⁵²⁸ The Commission's allegation of deception assumes, quite simply, that the average citizen is ignorant and stupid. The Commission's own example proves the point. The decision uses a blue-checkmark X account purporting to be "Donald Duck"—the fictional

⁵²¹ *Id.* at 165.

⁵²² *Id.* at 25-51.

⁵²³ *Id.* at 25.

⁵²⁴ See Caitlin O'Kane, *Twitter is officially ending its old verification process on April 1. To get a blue check mark, you'll have to pay.*, CBS NEWS (Mar. 24, 2023); Michael Dobuski, *Twitter begins phasing out legacy 'blue check marks' in latest platform change*, ABC NEWS (Apr. 1, 2023).

⁵²⁵ X Decision, *supra* note 61, at 27, 33.

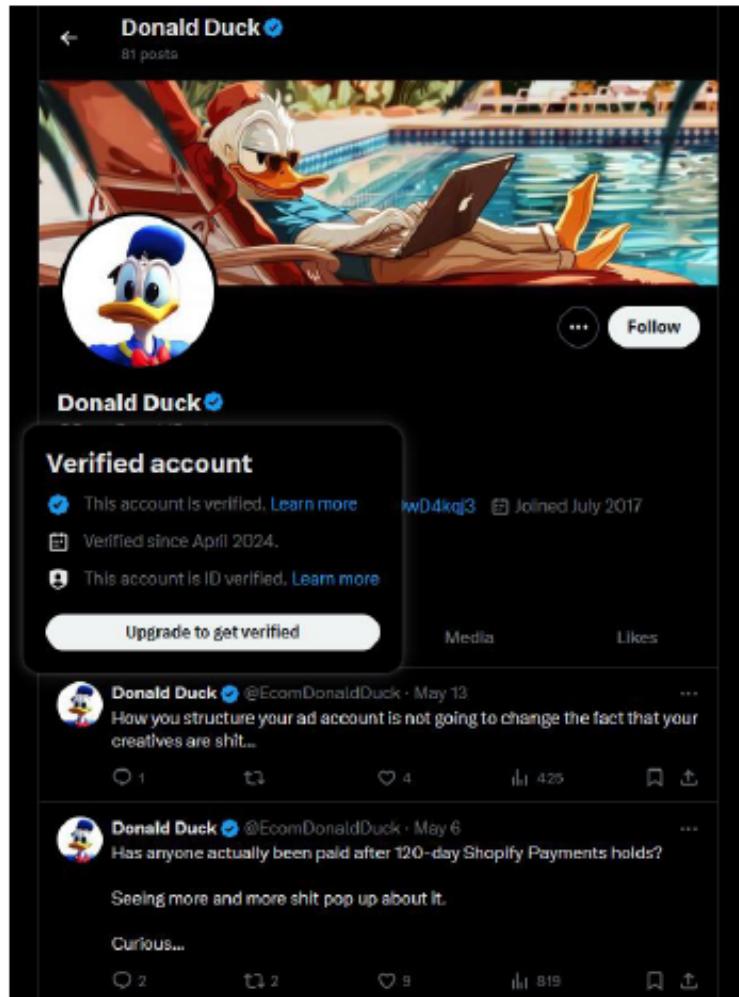
⁵²⁶ *Id.* at 34-36.

⁵²⁷ *Id.* at 27.

⁵²⁸ *Id.* at 42.

Disney character—as an example of X’s allegedly deceptive practices.⁵²⁹ But the Commission’s example proves the opposite point. For one to be deceived by the blue-check Donald Duck account—to think that the account had been verified under the pre-2023 rules—he would have to assume that (1) this fictional duck had come to life, and (2) it was a real X user. No rational person would look at the blue-check Donald Duck account and think that was the case. Instead, they would recognize that the standards by which blue checkmarks are applied had changed and continue using X with that knowledge.

Figure 2: Example of the textual and visual online interface design granted to X Premium subscribers. N.B.: The ID verification line is only granted to those who go through an additional verification process.



Source: X website, <https://x.com/EcomDonaldDuck>, accessed on 21 June 2024 (DSA.100101, Doc ID 161-162).

The European Commission’s decision fining X gave this ‘Donald Duck’ account as an example of X’s allegedly deceptive blue-checkmark policy.

The European Commission’s allegation that algorithmic amplification of paying users “deceiv[es] the recipients of the service about the significance of their content” is similarly

⁵²⁹ *Id.* at 29.

weak.⁵³⁰ The number of reposts, likes, and views for any piece of content on X is prominently displayed just below the body of the post. In other words, every single piece of content on X is displayed alongside an objective measurement of its “significance.”⁵³¹ X is also open about the fact that paying users’ posts receive an algorithmic boost.⁵³² In that context, the notion that X is deceiving users about the significance of content is laughable.

The European Commission’s arguments are so weak that they seem clearly pretextual, particularly in light of the Commission’s history of targeting X. But even if one takes them seriously, they reveal something deeply troubling about the DSA and European regulators. By the Commission’s own understanding, the blue checkmark-related fines are a penalty for attempted innovation. The argument that X is out of compliance with the DSA for “misappropriating the historical meaning of the verification checkmarks” and “misappropriating the meaning of cross-industry visual standards”⁵³³ amounts to a claim that X is out of compliance with the DSA because it dares to do things differently than other social media companies.

ii. The European Commission fined X €35 million for bogus violations related to its ad repository.

Article 39 of the DSA requires platforms to keep a “repository” of all ads hosted on the platform within the EU over the last year. X took good faith steps to build an effective ad repository that protected sensitive user data while complying with the major requirements of Article 39—yet it was still fined €35 million. The Commission’s fined X for, among other reasons, wrongly interpreting a vague provision related to the searchability of the ad repository and for producing data in a spreadsheet, rather than directly within X’s website. These allegations once again indicate that the Commission’s fine was a targeted, pretextual response to X’s defense of free expression.

Under Article 39, platforms’ ad repositories must display seven different pieces of information about each ad and users must be able to make “multicriteria queries” (e.g. search for specific ads that fulfill multiple criteria input by the user).⁵³⁴ X’s ad repository allows these “multicriteria queries”—users can create custom searches based on where and when the ad was displayed and who the advertiser was.⁵³⁵ But the Commission, citing no clear textual justification, said this was not enough—X had to allow “multicriteria queries” using all seven pieces of information.⁵³⁶

Even more ridiculous, the Commission found X in violation of the DSA for producing the results of ad repository searches in a spreadsheet (a .csv file), rather than on its website directly.⁵³⁷ The Commission argued that this, too, “reduces the searchability” of X’s ad

⁵³⁰ *Id.* at 35.

⁵³¹ *Id.*

⁵³² See *About X Premium*, X HELP CENTER, <https://help.x.com/en/using-x/x-premium> (last accessed Jan. 29, 2026).

⁵³³ X Decision, *supra* note 61, at 27, 33.

⁵³⁴ Digital Services Act, *supra* note 26, Art. 39.

⁵³⁵ X Decision, *supra* note 61, at 56-57.

⁵³⁶ *Id.*

⁵³⁷ *Id.* at 57.

repository because it requires users to download “third-party software” and therefore could frustrate attempts to research advertisements on X.⁵³⁸ The Commission also argued that producing results in a spreadsheet made X’s ad repository a “search tool” rather than a “searchable tool,” and therefore brought it out of compliance with Article 39.⁵³⁹ These arguments are weak. Researchers are capable of using spreadsheet programs, as manipulating large data sets in spreadsheet software is an integral part of quantitative research in almost any field. The Commission’s other argument—that X illegally provides a “search tool” rather than a “searchable tool”⁵⁴⁰—is equally unpersuasive. It is unclear how these two things differ, how X’s ad repository is a search tool but not a searchable tool, or how X would have known the difference between these two things. Yet it was a key reason for X’s €35 million ad repository fine.

5.3.1. X’s advertising repository is not available through a searchable tool

(179) First, the search tool does not allow multicriteria queries in a way that would fulfil the objectives of that provision to facilitate supervision and research into emerging risks brought about by the distribution of advertising online. Trial interactions with X’s advertisement repository conducted by the Commission¹⁷² show that queries for downloading data on advertisements presented on X are limited to the following search fields: (i) the Member States where the advertisement was presented (a user must select one Member State, with no possibility to choose the whole of the Union); (ii) the X account of an advertiser (a user must select one advertiser from a drop-down list displayed); and (iii) the time frame within which the advertisement was presented.

(184) More specifically, those search results are not presented in a specific section of X’s online interface, as required by Article 39(1) of Regulation (EU) 2022/2065, but are only downloadable in a separate .csv file, whose search functionalities depend on the use of third-party software to open the file. The absence of a visual display of the query results in X’s online interface with search and sorting functions further reduces the searchability of the tool, since search results can only be accessed with third-party software that opens the .csv file. This applies to information on commercial communications as well, which are excluded altogether from the tool’s search functions and are only accessible through a separate .csv file.¹⁷³

The Commission fined X for having an ad repository that allowed some “multicriteria queries” but not others and for producing data in an external spreadsheet.

iii. The Commission fined X €40 million for refusing to enforce the DSA’s researcher access provisions extraterritorially.

Article 40 of the DSA requires platforms to give misinformation pseudoscientists “access without undue delay to data.”⁵⁴¹ In practice, platforms must grant access to their back-end systems, allowing these so-called researchers to scrape data from the platforms en masse using an application programming interface (API).⁵⁴² Article 40 sets out conditions outlining who is eligible for this coveted back-end access: researchers must be “independent from commercial interests,” and the data must be “for the sole purpose of conducting research” related to the EU.

⁵³⁸ *Id.*

⁵³⁹ *Id.* at 75.

⁵⁴⁰ *Id.*

⁵⁴¹ Digital Services Act, *supra* note 26, Art. 40.

⁵⁴² See Victor Alamecery, *Data Access under the EU Digital Services Act*, EUROPEAN COMM’N (July 9, 2025).

X assessed applications for API access in accordance with the limitations in Article 40—and it was penalized for it. Moreover, the Commission claimed the power to require extraterritorial action: under its interpretation of the DSA, X, an American company, must give American data to researchers around the world.

First, the Commission faulted X for enforcing the statutory requirement that researchers are entitled to access platforms' proprietary data “for the sole purpose of conducting research that contributes to the detection, identification and understanding of systemic risks in the [European] Union.”⁵⁴³ X, reading the plain text of Article 40 in conjunction with the presumption against extraterritorial application of statutes, generally denied data access requests for which the scope of the proposed research went beyond the EU.⁵⁴⁴ The Commission said that X was required to grant these requests under the DSA, even when the requested data had no clear EU nexus, because “it is justified for a research project to also consider wider geographical contexts.”⁵⁴⁵ The Commission acknowledged that the requirement for data to have an EU nexus “is found in Article 40(12),” but still found X in violation of the DSA for taking an “unnecessarily narrow” interpretation of the provision.⁵⁴⁶ The Commission’s broader reading would require X to provide researchers with data having nothing to do with the EU—a clear extraterritorial application of the DSA.

6.3.2.1. Overly restrictive interpretation of the eligibility requirements set out in Article 40(12) of Regulation (EU) 2022/2065

(315) First, the provider of X has an overly restrictive interpretation of the requirement that researchers use the data ‘solely’ for performing research that contributes to the detection, identification and understanding of systemic risks in the Union within the meaning of Article 34(1) of Regulation (EU) 2022/2065.

(317) This restrictive interpretation is corroborated by evidence collected by researchers affiliated with the European New School and the Weizenbaum Institute in their ongoing survey of the research community in relation to platforms’ data access mechanisms.³³⁵ The survey report identifies the repeated use of this argument by the provider of X to reject applications and notes that ‘while this wording is found in Article 40(12), it is an unnecessarily narrow interpretation of the provision to restrict data access by claiming a request is not specific enough without further explanations’.

(457) The provider’s *post-facto* claim that the research was out of scope because it considered [REDACTED] as part of its research sample is also flawed. Indeed, it is justified for a research project to also consider wider geographical contexts where this is necessary to strengthen the contribution of the study for the understanding of systemic risks in the Union, knowing in this case that [REDACTED]
[REDACTED] Lastly, as this claim was only formulated by the provider *post-facto*, the provider of X never informed the applicants that it considered part of the public data requested to be out of scope, which may have enabled applicants to challenge this argument, or to revise their application.

The European Commission fined X for enforcing Article 40’s plain-text requirements and failing to hand over non-EU data.

⁵⁴³ Digital Services Act, *supra* note 26, Art. 40.

⁵⁴⁴ X Decision, *supra* note 61, at 91-93.

⁵⁴⁵ *Id.* at 133.

⁵⁴⁶ *Id.*

The European Commission also fined X for rejecting data access to researchers who are “established outside the [European] Union.”⁵⁴⁷ On the Commission’s reading, the DSA requires platforms to grant back-end data access to researchers around the world, no matter where they are located.⁵⁴⁸ Paired with the expansion of the data access requirement to non-EU data, this means that an American company could be required to give non-EU researchers access to American data—all because of a European law. It is precisely the type of chilling, extraterritorial application of a foreign censorship law that the Committee has warned about for more than a year. And it sets a dangerous precedent: under the DSA, the Commission claims the power to regulate beyond its borders.

6.3.2.1.2. Restrictions based on the geographic location of the researchers

(324) Second, the provider of X rejected researchers on the sole basis that they were established outside the Union, whereas Article 40(12) of Regulation (EU) 2022/2065 does not allow for such a restriction.

The European Commission applies DSA data access requirements to researchers around the world.

The Commission’s other reasons for finding X in violation of Article 40 were meritless. For example, X enforced Article 40’s requirement that researchers are “independent of commercial interests” by requiring prospective researchers to provide “information about the organisation’s board members, membership, shareholders, grant recipients” and “indirect funding.”⁵⁴⁹ This information is plainly relevant to the determination that a researcher’s organization is disentangled from corporations that stand to benefit from their research. Yet the Commission found X in violation of the DSA for collecting simple, useful facts to enforce the DSA as it was written.⁵⁵⁰

(329) While the affiliation of an applicant to a specific organisation may be relevant to assess whether that applicant is entitled to request access to data pursuant to Article 40(12) of Regulation (EU) 2022/2065, there is nothing in that provision which would justify requesting mandatory information about the organisation’s board members, membership, shareholders, grant recipients, or information about the ‘indirect funding’⁵⁵⁰ of researchers. Requesting that information is therefore designed to discourage meaningful scrutiny of the systemic risks to which a service gives rise. In a

The European Commission faulted X for enforcing the requirement that researchers are “independent of commercial interests.”

Similarly, the European Commission found X in violation for the default level of data access it granted to successful research applicants. X, upon a successful research application, granted researchers access to the API for 1 million tweets monthly, for a term of six months.⁵⁵¹ Researchers were able to request longer or more robust access if their research required it.⁵⁵²

⁵⁴⁷ *Id.* at 39.

⁵⁴⁸ *See id.*

⁵⁴⁹ *Id.* at 95; see Digital Services Act, *supra* note 26, Art. 40.

⁵⁵⁰ X Decision, *supra* note 61, at 95.

⁵⁵¹ *Id.* at 99-100.

⁵⁵² *Id.* at 115.

Somehow, this was not enough for the Commission—even as it admitted that other platforms “have even more restrictive quotas in place.”⁵⁵³

Finally, the European Commission’s fine of X sheds light on its definition of “systemic risk” under the DSA. X argued that in the absence of guidance from the Commission, it did not consider “misinformation . . . in and of itself” to be a “systemic risk in the EU.”⁵⁵⁴ The Commission disagreed with X, apparently arguing that *all* misinformation constitutes a “systemic risk” under DSA Article 34.⁵⁵⁵ This means that alleged misinformation must be “mitigated” under Article 35, effectively requiring social media platforms to broadly censor information deemed false by EU bureaucrats.

iv. X alleges that the European Commission engaged in significant investigative misconduct.

In addition to its comprehensive rebuttal of the European Commission’s pretextual allegations, X alleges that the Commission made significant procedural errors that inhibited its right of defense.⁵⁵⁶ According to X, the Commission gave X’s lawyers only five days for an in camera review of more than 3,800 confidential documents substantiating the Commission’s allegations.⁵⁵⁷ During these five days, X’s lawyers were given computers that did not work, faced “rigid entry and exit rules” for the review room, and remained under the constant watch of Commission staff, effectively barring counsel from “freely discussing” their defense of X.⁵⁵⁸ The Commission also was empowered to review counsel’s notes upon their departure from the read room.⁵⁵⁹ Finally, X alleges that the Commission improperly used notes from informal interviews and meetings, rather than sworn testimony, to substantiate its allegations.⁵⁶⁰

7. ALLEGED PROCEDURAL ERRORS IN THE ADOPTION OF THE DECISION

7.1. The allegations of the provider of X

(534) The provider of X argues that the Commission’s investigative procedure leading to the adoption of the Decision suffers from severe flaws that undermine its rights of defence. According to that provider, there appears to be a discrepancy between the gravity of the allegations outlined in the Preliminary Findings and the procedural restrictions imposed on the provider of X. According to the provider of X, many of the issues stem from the Commission’s own procedural rules, such as those in Implementing Regulation (EU) 2023/1201 and the data room rules, which prioritise administrative convenience over procedural fairness.

X alleged that the Commission systematically denied it the right to defend itself against the Commission’s allegations.

⁵⁵³ *Id.* at 145.

⁵⁵⁴ *Id.* at 130.

⁵⁵⁵ *Id.*

⁵⁵⁶ *Id.* at 153-163.

⁵⁵⁷ *Id.* at 157, 159.

⁵⁵⁸ *Id.* at 153.

⁵⁵⁹ *Id.* at 160.

⁵⁶⁰ *Id.* at 154.

v. *The European Commission is threatening to ban X if it does not give in to censorship demands.*

The European Commission's €120 million fine is near the statutory maximum of six percent of a platform's global revenue.⁵⁶¹ But that is not even the most severe punishment potentially: the European Commission is threatening to ban X in the EU if it does not comply with a list of censorship demands, including:

- "More prominently and directly providing clear and non-misleading information about the meaning of the" blue checkmark (even though X operated a banner doing this in the EU for four months in 2025);
- Ending the algorithmic amplification of paying users;
- Providing ad repository search results on X's website, rather than in an external spreadsheet;
- Granting data access requests to researchers located outside the EU;
- Giving more expansive data access to researchers; and
- Changing its terms of service to allow "qualified researchers" to scrape data from X's public website without prior approval.⁵⁶²

Banning one of the most popular social media popular platforms in the world would be a grave assault on free expression. Yet the European Commission is threatening to do exactly that.⁵⁶³

(586) Pursuant to Article 75(3) of Regulation (EU) 2022/2065, the Commission, taking into account the opinion of the Board, shall decide whether the measures set out in the action plan are sufficient to terminate or remedy the infringement, taking also into account whether adherence to relevant code of conduct is included among the measures proposed. The Commission shall also subsequently monitor measures taken by the provider of a very large online platform or of a very large online search engine concerned in the implementation of the action plan, taking into account also an independent audit of the provider. Pursuant to Article 75(4) of Regulation (EU) 2022/2065 if, following the implementation of the action plan, the Commission still considers that the infringement has not been fully remedied, or if the action plan has not been provided or is not considered suitable, the Commission shall be able to use any investigative or enforcement powers pursuant to Regulation (EU) 2022/2065, including the power to impose periodic penalty payments and initiating the procedure to disable access to the infringing service.

The European Commission is threatening to ban X in the EU if it doesn't comply with censorship demands.

⁵⁶¹ *Id.* at 168-179.

⁵⁶² *Id.* at 163, 165-168.

⁵⁶³ *Id.* at 165.

The European Commission's fine and threatened ban of X is a seminal moment in the European campaign to control global online discourse. Since before the DSA's enactment, the Commission has targeted X for its pro-speech policies and advocacy. The Commission's decision is neither an impartial assessment of the facts nor a dispassionate reading of the law—it is a 183-page pretext for fining X because it hosts speech that is politically inconvenient to the European ruling class.

The weakness of the European Commission's arguments makes this apparent. Repeatedly, the Commission distorts the text of the DSA to manufacture violations that it can hang on X. It ignores plain facts and simple law in a campaign to criminalize X's embrace of fundamental free speech principles. Along the way, it provides important insights into the European Commission's interpretation of the DSA. In many ways, it is consistent with the European Commission's regulatory approach in recent years: it assumes that EU citizens are stupid, unable to discern and make free decisions about what is true and what is not. It penalizes innovation, even explaining that it is fining X because the company tried to operate the platform differently than Twitter's previous leadership or other social media companies. And perhaps most concerning, it shows that the EU seeks to enforce the DSA beyond its borders—a grave threat to free speech in the United States.

B. The European Commission's ongoing initiatives indicate that it remains committed to censorship.

Since the DSA's passage, the Commission, led by President Ursula von der Leyen, has maintained its censorship efforts. On top of the already-labyrinthine European censorship architecture, von der Leyen and her allies have proposed additional censorship laws and initiatives creating even stricter requirements for removal of alleged misinformation and hate speech. While she has pledged her second term as President to "simplification" of Europe's bloated regulatory regime,⁵⁶⁴ she has refused to extend that deregulatory agenda to online speech.

i. The EU Democracy Shield will expand the European Commission's censorship powers and possibly end anonymity on social media.

President von der Leyen has made the so-called "EU Democracy Shield" a centerpiece of her second presidential term. Unveiled in November 2025, the Democracy Shield proposes new initiatives to censor disfavored online content.⁵⁶⁵ Where Europe should be correcting its mistakes and reintroducing fundamental free speech principles, it is doubling down and expanding the Commission's capacity to silence its political opponents.

The Shield promises several new censorship initiatives by 2027. First, it states that "the Commission will prepare a DSA incidents and crisis protocol."⁵⁶⁶ These, like the DSA Election Guidelines, will be additional DSA censorship requirements for times of "crisis." The

⁵⁶⁴ See Jennifer Rankin, *EU launches 'simplification' agenda in effort to keep up with US and China*, THE GUARDIAN (Jan. 29, 2025).

⁵⁶⁵ Democracy Shield Proposal, *supra* note 66.

⁵⁶⁶ *Id.* at § 2.2.

Commission promised that this censorship protocol will “ensure swift reactions”—meaning censorship—to large-scale and potentially transnational” events.⁵⁶⁷ Vaguely defined, this protocol will effectively be a censorship switch that EU authorities can flip on whenever they sense that they are losing control of online narratives. And even if it is voluntary in name, it will be binding in practice as prior “voluntary” EU regulatory arrangements, like the Disinformation Code, have shown.

Similarly, the Democracy Shield promises an expansion of the Code of Conduct on Disinformation. The plan states that the European Commission will “explore possible further measures with the Code’s signatories,” zeroing in specifically on “labelling of AI-generated . . . content” and “user verification tools,” including the “EU Digital Identity Wallets.”⁵⁶⁸ Of course, the Disinformation Code’s commands are voluntary in name only—something the Democracy Shield makes clear. The plan states that “the Commission will assess [platforms’] levels of commitment . . . and . . . implementation” of the Code as part of its DSA supervision.⁵⁶⁹ The upshot: the Commission is seeking to institute *de facto* binding obligations for platforms to verify users’ identity, possibly ending anonymity on social media. Regulators seeking to harass users for disfavored posts could simply compel platforms to produce anonymous users’ verified identities. It would be perhaps the greatest threat to free speech yet.

The plan also promises to create two new EU censorship hubs: the European Center for Democratic Resilience and the European Network of Fact-Checkers. The Center for Democratic Resilience will “support operational cooperation and capacity building” for governments to respond to alleged disinformation campaigns⁵⁷⁰—meaning it will coordinate rapid and large-scale cross-border censorship. The European Network of Fact-Checkers will be yet another coordination forum for left-wing, pro-censorship NGOs.⁵⁷¹ Without any apparent irony, the Commission states that the Fact-Checker Network will be “independent” but also “set up with the Commission’s support.”⁵⁷² Of course, Commission funding renders any level of independence impossible—Network members will know that the Commission can turn off the funding spigots at any time they cease to be politically useful. According to the Democracy Shield plan, the Network will “create and maintain an independent repository for fact-checking to consolidate fact-checks”—in other words, a database for the Commission’s party line.⁵⁷³ The Network’s “repository,” operating as an arm of the Commission, will signal to platforms what content can stay up and what must come down immediately, in addition to the fact-checkers’ pre-existing DSA power to make priority censorship requests.

ii. The EU Equality Strategy recently called for legislation that would define “hate speech” across the EU.

The European Commission’s recently released five-year “LGBTIQ+ Equality Strategy” is equally censorious. This proposal calls to “harmonize” EU Member-State definitions of “hate

⁵⁶⁷ *Id.*

⁵⁶⁸ *Id.*

⁵⁶⁹ *Id.*

⁵⁷⁰ *Id.* at § 2.1.

⁵⁷¹ *Id.* at § 2.2.

⁵⁷² *Id.*

⁵⁷³ *Id.* (emphasis omitted).

offences committed online,” criminalizing speech across the EU.⁵⁷⁴ Harmonization would require every EU Member State to use the EU’s aggressive and political definition for illegal “hate speech,” which includes conventional political discourse and “memes.”⁵⁷⁵ Under the DSA, platforms must censor “illegal hate speech,”⁵⁷⁶ meaning that this push would require more aggressive digital censorship across Europe—and likely worldwide.

Even more telling, the Commission seeks to bypass the regular democratic process to do it. To initiate the “harmoniz[ation]” process, “hate speech” must first be added to the list of “EU crimes” under the EU’s governing treaty.⁵⁷⁷ This step, which would require a vote by EU legislative bodies, has repeatedly failed.⁵⁷⁸ Now, the Commission is forging ahead on its own, arguing that “hate speech” is already a crime under the treaty because it falls under the umbrella of existing offenses like “terrorism” and “computer crime.”⁵⁷⁹

iii. EU President von der Leyen’s regulatory “simplification” package did not include meaningful DSA reforms.

President von der Leyen has pledged her second term to regulatory “simplification.”⁵⁸⁰ This “simplification” does not appear to include the EU’s byzantine digital speech regulations. von der Leyen recently released a “digital omnibus regulation proposal” in order to “optimize the application of the digital rulebook.”⁵⁸¹ Yet her proposal would leave Europe’s digital censorship architecture, including the DSA, untouched.⁵⁸² The Commission appears to remain as committed as ever to global internet censorship.

iv. Other EU laws regulating tech companies provide additional ways for the Commission to apply pressure on platforms.

The European Commission also imposes a severe regulatory burden on technology companies through its Digital Markets Act (DMA), an EU competition law. The DMA, the DSA’s sister legislation, imposes strict requirements on the design of internet services for large platforms known as “gatekeepers.”⁵⁸³ The DMA’s qualitative standards for designating gatekeepers can easily be abused and the Commission has used them to target American

⁵⁷⁴ *Union of Equality: LGBTIQ+ Equality Strategy 2026-2030*, EUROPEAN COMM’N, COM(2025) 725 final at 6.

⁵⁷⁵ DSA Censorship Report I, *supra* note 3, at 27.

⁵⁷⁶ Digital Services Act, *supra* note 26, Art. 35.

⁵⁷⁷ *Union of Equality: LGBTIQ+ Equality Strategy 2026-2030*, EUROPEAN COMM’N, COM(2025) 725 final at 6 (emphasis omitted).

⁵⁷⁸ *Id.*

⁵⁷⁹ *Id.*; see TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION, Art. 83(1).

⁵⁸⁰ See *Simplification and Implementation*, European Comm’n, https://commission.europa.eu/law/law-making-process/better-regulation/simplification-and-implementation_en (last accessed Jan. 9, 2026).

⁵⁸¹ *Digital Omnibus Regulation Proposal*, EUROPEAN COMM’N (Nov. 19, 2025).

⁵⁸² Mark MacCarthy & Kenneth Propp, *The European Union Changes Course on Digital Legislation*, LAWFARE (Dec. 15, 2025) (“Conspicuously, none of the changes would affect the Digital Markets Act (DMA) or Digital Services Act (DSA).”)

⁵⁸³ *The Digital Markets Act: Ensuring Fair and Open Digital Markets*, EUROPEAN COMM’N, https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/europe-fit-digital-age/digital-markets-act-ensuring-fair-and-open-digital-markets_en (last visited Jan. 29, 2026).

companies. For example, Apple and Meta were fined in 2025 a collective €700 million for alleged non-compliance with the DMA.⁵⁸⁴

Most concerningly, senior European officials have explicitly referenced *the DMA* and the requirements on gatekeepers when describing how the European Commission can require platforms to take certain measures to combat election misinformation.⁵⁸⁵

Katalin Cseh (Renew):

- I am an MEP from Hungary, where the government has become the biggest spreader of misinformation itself and we have seen the impact on democracy, but it is a global issue. Social Media platforms can give malign actors the power to undermine democracy.
- Online platforms, if they are not regulated properly, they can be used to spread disinformation.
- I am very proud to be an MEP in a Parliament that has voted for the DSA. This is such a good solid foundation.
- I find transparency requirements the most important: we have to remember that democracy also means a meaningful public debate and a well-informed electorate.

Renate Nikolay, Directorate-General for Communications Networks, Content and Technology, EU Commission

- It was already a theme during the elections of 2019. This year 2024 we are much better equipped to use our tools in place.
- We are also looking into on cybersecurity and its impact on elections. A lot of threats are cyberthreats and they include disinformation influenced by foreign powers.
- We talked about the DSA, but let's not forget the DMA. Tomorrow is the deadline for the compliance report of 6 gatekeepers.
- The DSA is a holistic approach, it is not going after one incident, but it is systemic. How are platforms using the space and how we can push them to do better? We have already opened 2 investigations into X and

Senior European Commission official referred to the DMA when discussing tools at the European Commission's disposal ahead of elections.

C. The European Commission seeks to export its censorship measures to other countries.

In many ways, the Commission is leading a global effort for strict digital censorship laws. Copycat bills have emerged in Australia, South Korea, and elsewhere around the world as censorious foreign officials have taken to U.S. universities to plan their global censorship regime.

Perhaps the most notable foreign attempt to imitate the Digital Services Act has been the United Kingdom's (UK) Online Safety Act (OSA). Passed in 2023, just a year after DSA, the OSA paves the way for Ofcom, the UK's relevant regulatory authority, to regulate how social media platforms "should deal with [so-called] disinformation and misinformation."⁵⁸⁶ The Committee's oversight has previously shown that British regulators sought to censor legitimate political speech criticizing the government, including "narratives" about a "two-tier" system of justice in the UK, during large-scale riots in August 2024.⁵⁸⁷ British regulators have also used the OSA to threaten American platforms with regulatory retaliation if they do not "embed

⁵⁸⁴ Press Release, European Comm'n, *Commission finds Apple and Meta in breach of the Digital Markets Act* (Apr. 22, 2025), https://ec.europa.eu/commission/presscorner/detail/en/ip_25_1085.

⁵⁸⁵ Readout of "Protecting The 2024 Elections: From Alarm to Action" (March 8, 2024), *see* Ex. 244.

⁵⁸⁶ Online Safety Act 2023, c. 50, Ch. 7 § 152 (UK).

⁵⁸⁷ Rep. Jim Jordan (@Jim_Jordan), X (July 29, 2025, 9:30 PM), https://x.com/Jim_Jordan/status/1950368307372020086.

[British] standards” on topics like “hate” speech into their content moderation policies.⁵⁸⁸ Now, Prime Minister Keir Starmer, like European regulators, is threatening to take X offline in the UK using the OSA’s authorities.⁵⁸⁹

The global copycat campaign has not been confined to Europe, either. In Brazil, a proposed “fake news bill” explicitly drew inspiration from the DSA, with “twenty-five citations” to the European law.⁵⁹⁰ While the “fake news bill” has not yet been adopted, Brazil’s Supreme Court has led an aggressive, yearslong internet censorship campaign, issuing global removal orders and even banning X for multiple months in 2024.⁵⁹¹ In India, analysts have also drawn comparisons between the proposed Digital India Act, which would subject platforms to “new regulations with a heavy focus on fact-checking to prevent misinformation,”⁵⁹² and the DSA.⁵⁹³ Beyond Brazil and India, the hallmarks of the DSA can be found in new digital laws in Australia, Malaysia, and South Korea.⁵⁹⁴ Countries like South Korea and Brazil are also seeking to imitate the DSA’s sister competition legislation, the Digital Markets Act, which imposes onerous, innovation-killing requirements on American tech companies.⁵⁹⁵

In fact, the world’s censors have even gathered on American soil to compare notes. On September 24, 2025, Stanford University held a roundtable event titled “Compliance and Enforcement in a Rapidly Evolving Landscape.”⁵⁹⁶ This roundtable brought together foreign officials who have architected the burgeoning global censorship regime and directly targeted American speech.⁵⁹⁷ The keynote speaker at this event was Julie Inman-Grant, the Australian eSafety Commissioner who has explicitly argued that governments have the authority to demand and enforce *global* takedowns of content.⁵⁹⁸ Other attendees and panelists included officials from some of the entities with the worst track records of extraterritorial censorship, including the the

⁵⁸⁸ Rep. Jim Jordan (@Jim_Jordan), X (July 28, 2025, 10:58 AM), https://x.com/Jim_Jordan/status/1949846809238446237.

⁵⁸⁹ Matthew Field et al., *Musk’s X could be banned in Britain over AI chatbot row*, THE TELEGRAPH (Jan. 8, 2026).

⁵⁹⁰ Thales Bueno & Renan Canaan, *The Brussels Effect in Brazil: Analysing the impact of the EU Digital Services Act on the discussion surrounding the Fake News Bill*, 48 TELECOMMS. POLICY 102757 (2024).

⁵⁹¹ STAFF OF THE H. COMM. ON THE JUDICIARY AND THE SELECT SUBCOMM. ON THE WEAPONIZATION OF THE FED. GOV’T OF THE H. COMM. ON THE JUDICIARY, 118TH CONG., THE ATTACK ON FREE SPEECH ABROAD AND THE BIDEN ADMINISTRATION’S SILENCE: THE CASE OF BRAZIL (Comm. Print Apr. 17, 2024); Julia Dias Carneiro & Juana Summers, *Brazil’s Supreme Court bans X*, NPR (Sept. 2, 2024).

⁵⁹² Kyle Chin & Kaushik Sen, *What is the Digital India Act? India’s Newest Digital Law*, UPGUARD (Jan. 7, 2025).

⁵⁹³ Aahil Sheikh, *Transparency Must be a Cornerstone of the Digital India Act*, TECH POLICY PRESS (Apr. 23, 2024).

⁵⁹⁴ Richard Sharpe et al., *The Global Content Regulation Landscape—Developments in the EU, UK, U.S., and Beyond*, KING & SPALDING (July 10, 2025).

⁵⁹⁵ See Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Mr. Alexandre Rebelo Ferreira, Secretariat for Economic Reforms, Brazil Ministry of Finance (Dec. 30, 2025); Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Mr. Han Ki-jeong, Chairman, Korea Fair Trade Commission (July 24, 2025).

⁵⁹⁶ Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Dr. Jeff Hancock, Director, Stanford Cyber Policy Center (Oct. 22, 2025); see Teddy Ganea et al., *Stanford’s Cyber Policy Center Coordinates International Internet Censorship*, THE STANFORD REV. (Oct. 29, 2025).

⁵⁹⁷ *Id.*

⁵⁹⁸ *Id.*; see Tom Crowley, *'Silly' to demand global takedowns: Dutton weighs in on eSafety case*, AUSTRALIAN BROADCASTING CORP. (Apr. 25, 2024).

UK, the EU, and Brazil.⁵⁹⁹ These international coordination forums, where global censors share legislative ideas and best censorship practices, represent an acute threat to American speech.

* * *

The European censorship threat shows no signs of abating. In December 2025, the European Commission took its most aggressive censorship step to date, fining X nearly six percent of its worldwide revenue in obvious retaliation for its protection of free speech around the globe. The European Commission's new legislative and regulatory proposals likewise indicate that it is doubling down on its agenda of global online thought control. President von der Leyen's so-called Democracy Shield would add new layers on top of the existing European censorship architecture, potentially ending anonymity on social media. Likewise, the European Commission is trying to circumvent democratic processes to strong-arm every EU country into adopting its expansive definition of "hate speech," which would trigger additional censorship obligations pursuant to the DSA. And Europe is trying to export these wrongheaded laws and initiatives—sometimes even here in the United States.

VII. CONCLUSION

The Committee will continue its investigation into foreign censorship laws, regulations, and judicial orders because of the risk they pose to American speech in the United States. The European Commission's extraterritorial actions under the Digital Services Act directly infringe on American sovereignty and directly harm American free speech in the United States. The Committee will continue to conduct oversight to inform legislative solutions that defend against and effectively counter this existential risk to a fundamental American right: the right to free expression.

⁵⁹⁹ Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Dr. Jeff Hancock, Director, Stanford Cyber Policy Center (Oct. 22, 2025); *see* Teddy Ganea et al., *Stanford's Cyber Policy Center Coordinates International Internet Censorship*, THE STANFORD REV. (Oct. 29, 2025).

APPENDIX

Table of Contents

<u>Section I: Internal Platform Exhibits</u>	161
Exhibit 1: TikTok's September and October 2021 Report, EU Code of Practice on Disinformation/COVID-19 (Nov. 1, 2021)	162
Exhibit 2: Internal emails among Google staff (June 22, 2023)	184
Exhibit 3: TikTok Slide Deck: Digital Services Act, Readiness overview for the European Commission (July 17, 2023)	190
Exhibit 4: Letter from TikTok to European Commission (Aug. 11, 2023)	370
Exhibit 5: TikTok DSA Risk Assessment Guidelines (Aug. 25, 2023)	373
Exhibit 6: TikTok Response to Commission RFI (Nov. 4, 2023)	395
Exhibit 7: TikTok Response to Commission RFI (Nov. 17, 2023)	435
Exhibit 8: TikTok Community Guidelines Update Executive Summary (Mar. 20, 2024)	457
Exhibit 9: Letter from TikTok to European Commission (Apr. 5, 2024)	468
Exhibit 10: Readout of meeting between TikTok staff and European Commission Vice President Vera Jourova (May 28, 2024)	495
Exhibit 11: Disinformation Code Subscription Document for TikTok (Jan. 17, 2025)	499
Exhibit 12: <i>TikTok White Paper: The Digital Services Act</i>	537
Exhibit 13: TikTok Suggested Update Tracking Spreadsheet	544
Exhibit 14: TikTok Suggested Update Tracking Spreadsheet	546
Exhibit 15: TikTok Community Guidelines Survey	548
Exhibit 16: Policy Accuracy and Transparency & Community Guidelines Accessibility	552
Exhibit 17: TikTok Community Guideline Update Slide Deck	554

Section II: External Platform Exhibits	563
Exhibit 18: Emails between Spotify staff and European Commission staff (June 7, 2020)	564
Exhibit 19: Readout of meeting between TikTok and European Commission Vice President Vera Jourova (Apr. 20, 2021)	572
Exhibit 20: Readout of meeting between TikTok staff and Cabinet of Commissioner Theirry Breton (Sep. 30, 2021)	574
Exhibit 21: Emails between TikTok staff and European Commission staff (Mar. 14, 2022)	576
Exhibit 22: Readout of meeting between Spotify and European Commission Vice President Vera Jourova (Sep. 7, 2022)	579
Exhibit 23: Emails between TikTok staff and European Commission staff (Nov. 9, 2022)	583
Exhibit 24: Emails between TikTok staff and European Commission staff (Jan. 4, 2023)	594
Exhibit 25: Readout of meeting between TikTok and European Commission Vice President Vera Jourova (Jan. 10, 2023)	613
Exhibit 26: Email from YouTube staff to European Commission staff (Mar. 19, 2024)	616
Exhibit 27: Emails between TikTok staff and European Commission staff (May 28, 2024)	618
Section III: EU Internet Forum Exhibits	647
Exhibit 28: Agenda for EU Internet Forum Ministerial Meeting (Dec. 8, 2021)	648
Exhibit 29: Emails between TikTok staff and European Commission staff (Mar. 24, 2022)	651
Exhibit 30: European Commission Slide Deck: Digital Services Act & Algorithmic amplification (Sep. 29, 2022)	655
Exhibit 31: Institute for Strategic Dialogue Slide Deck: Algorithmic Amplification, Borderline Content and Manipulative Techniques (Sep. 29, 2022)	672

Exhibit 32: Email from European Commission staff to EU Internet Forum participants (Oct. 11, 2022)	683
Exhibit 33: Agenda for EU Internet Forum Ministerial Meeting (Dec. 7, 2022)	688
Exhibit 34: Email from European Commission staff to EU Internet Forum participants (Jan. 9, 2023)	691
Exhibit 35: Emails between TikTok staff and European Commission staff (Sep. 2, 2024)	697
Exhibit 36: Emails between TikTok staff and European Commission staff (Oct. 15, 2024)	702
Exhibit 37: EU Internet Forum: Study on the Role and Effects of the Use of Algorithmic Amplification to Spread Terrorist, Violent Extremist and Borderline Content	710
Exhibit 38: <i>EU Internet Forum: The Handbook of Borderline Content in Relation to Violent Extremism</i>	830
Exhibit 39: TrustLab Slide Deck: Study on the Role and Effects of the Use of Algorithmic Amplification to Spread Terrorist, Violent Extremist and Borderline Content across leading Social Media sites in Europe	903
Exhibit 40: EU Internet Forum: Study on the Role and Effects of the Use of Algorithmic Amplification to Spread Terrorist, Violent Extremist and Borderline Content	943
Exhibit 41: TikTok response to EU Internet Forum Questionnaire - Algorithmic Amplification	1063
Section IV: Hate Speech Code Exhibits	1070
Exhibit 42: European Commission Slide Deck: The ninth EU High level group on combatting racism, xenophobia and other forms of intolerance (July 7, 2021)	1071
Exhibit 43: Draft Code of Conduct (+) on Countering Illegal Hate Speech Online (Mar. 18, 2023)	1202
Exhibit 44: European Commission Question and answers on the Code revision (Mar. 27, 2023)	1207
Exhibit 45: Draft Code of Conduct (+) on Countering Illegal Hate Speech Online	1209

Section V: Disinformation Code Exhibits 1214

Exhibit 46: Email from European Commission staff to TikTok (Apr. 1, 2020)	1215
Exhibit 47: Letter from European Commission to TikTok (July 22, 2020)	1217
Exhibit 48: Emails between TikTok staff and European Commission staff (Oct. 30, 2020)	1222
Exhibit 49: TikTok Input to European Commission Request on Covid-19 Vaccination Disinformation (Nov. 4, 2020)	1226
Exhibit 50: Emails between TikTok staff and European Commission staff (Nov. 9, 2020)	1231
Exhibit 51: Readout of meeting between TikTok and Staff to European Commission Vice President Vera Jourova (Nov. 6, 2020)	1237
Exhibit 52: Emails between TikTok staff and European Commission staff (Jan. 19, 2021)	1239
Exhibit 53: Readout of meeting between European Commission Vice President Vera Jourova and multiple platforms (Feb. 22, 2021)	1248
Exhibit 54: Emails between TikTok staff and European Commission staff (Apr. 13, 2021)	1251
Exhibit 55: Readout of meeting between TikTok and European Commission Vice President Vera Jourova (Apr. 20, 2021)	1275
Exhibit 56: Email from European Commission staff to Code of Practice on Disinformation Signatories (Oct. 14, 2021)	1278
Exhibit 57: Email from European Commission staff to Code of Practice on Disinformation Signatories (Oct. 14, 2021)	1282
Exhibit 58: Emails between TikTok staff and European Commission staff (Nov. 5, 2021)	1286
Exhibit 59: Email from European Commission staff to Code of Practice on Disinformation Signatories (Dec. 8, 2021)	1290
Exhibit 60: Email from European Commission staff to Code of Practice on Disinformation Signatories (Jan. 27, 2022)	1295

Exhibit 61: New Code of Practice on Disinformation: Minutes of the 4th General Assembly of the Signatories (Jan. 28, 2022).....	1297
Exhibit 62: Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Feb. 7, 2022).....	1300
Exhibit 63: Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Feb. 16, 2022).....	1304
Exhibit 64: Letter from Commissioner Thierry Breton and Vice President Vera Jourová to TikTok (Mar. 3, 2022).....	1308
Exhibit 65: Emails between TikTok staff and European Commission staff (Mar. 7, 2022).....	1311
Exhibit 66: Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Mar. 10, 2022).....	1315
Exhibit 67: Email from European Commission staff to Code of Practice on Disinformation Signatories (Mar. 30, 2022).....	1318
Exhibit 68: Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Apr. 4, 2022).....	1320
Exhibit 69: Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Apr. 19, 2022).....	1324
Exhibit 70: New Code of Practice on Disinformation: Minutes of the negotiation session (Apr. 19, 2022).....	1328
Exhibit 71: Meeting Agenda from European Commission staff to Code of Practice on Disinformation Signatories (Apr. 27, 2022).....	1331
Exhibit 72: Meeting Agenda from European Commission staff to Code of Practice on Disinformation Signatories (May 4, 2022).....	1333
Exhibit 73: Meeting Agenda from European Commission staff to Code of Practice on Disinformation Signatories (May 11, 2022).....	1335
Exhibit 74: Meeting Agenda from European Commission staff to Code of Practice on Disinformation Signatories (May 18, 2022).....	1337
Exhibit 75: Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (May 24, 2022).....	1339

Exhibit 76: Meeting Agenda from European Commission staff to Code of Practice on Disinformation Signatories (June 1, 2022).....	1343
Exhibit 77: Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (June 3, 2022).....	1345
Exhibit 78: Meeting Agenda from European Commission staff to Code of Practice on Disinformation Signatories (June 23, 2022).....	1349
Exhibit 79: Email from European Commission staff to Code of Practice on Disinformation Signatories (June 27, 2022).....	1351
Exhibit 80: Agenda: Second Meeting of the Code of Practice's Permanent Task-Force (July 5, 2022).....	1354
Exhibit 81: Email from European Commission staff to Code of Practice on Disinformation Signatories (Aug. 10, 2022).....	1356
Exhibit 82: Meeting invitation from European Commission Staff to Code of Practice on Disinformation Signatories (Aug. 24, 2022).....	1358
Exhibit 83: Email from European Commission staff to Code of Practice on Disinformation Signatories (Sep. 1, 2022).....	1361
Exhibit 84: Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Sep. 2, 2022).....	1363
Exhibit 85: Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Sep. 14, 2022).....	1366
Exhibit 86: Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Sep. 19, 2022).....	1370
Exhibit 87: Email from European Commission staff to Code of Practice on Disinformation Signatories (Sep. 20, 2022).....	1373
Exhibit 88: Email from European Commission staff to Code of Practice on Disinformation Signatories (Oct. 4, 2022).....	1375
Exhibit 89: Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Oct. 19, 2022).....	1378
Exhibit 90: Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Nov. 1, 2022).....	1381

Exhibit 91: Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Nov. 15, 2022).....	1384
Exhibit 92: Crisis Response Subgroup: Written input on planned actions to reduce Ukraine related disinformation in Central and Eastern Europe (Nov. 28, 2022).....	1388
Exhibit 93: Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Nov. 30, 2022).....	1417
Exhibit 94: Email from European Commission staff to Code of Practice on Disinformation Signatories (Dec. 2, 2022).....	1420
Exhibit 95: Agenda: Fourth Meeting of the Code of Practice's Permanent Task-Force (Dec. 6, 2022).....	1423
Exhibit 96: Emails between European Commission staff and Code of Practice on Disinformation Signatories (Dec. 8, 2022).....	1426
Exhibit 97: Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Dec. 8, 2022).....	1432
Exhibit 98: Email from European Commission staff to Code of Practice on Disinformation Signatories (Dec. 9, 2022).....	1435
Exhibit 99: Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Dec. 13, 2022).....	1440
Exhibit 100: Emails between TikTok staff and European Commission staff (Dec. 14, 2022).....	1443
Exhibit 101: Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Dec. 14, 2022).....	1448
Exhibit 102: Letter from Commissioner Thierry Breton and Vice President Vera Jourová to TikTok (Dec. 22, 2022).....	1452
Exhibit 103: Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Jan. 11, 2023).....	1455
Exhibit 104: Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Jan. 30, 2023).....	1458
Exhibit 105: Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Feb. 13, 2023).....	1461

Exhibit 106: Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (May 30, 2023).....	1464
Exhibit 107: Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Feb. 8, 2023).....	1467
Exhibit 108: Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (June 27, 2023).....	1470
Exhibit 109: Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Feb. 16, 2023).....	1473
Exhibit 110: Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Feb. 22, 2023).....	1476
Exhibit 111: Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Mar. 8, 2023).....	1479
Exhibit 112: Disinformation Code Subscription Document for Signatory ActiveFence (Mar. 22, 2023).....	1482
Exhibit 113: Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Mar. 24, 2023).....	1488
Exhibit 114: Email from European Commission staff to Code of Practice on Disinformation Signatories (Mar. 27, 2023).....	1491
Exhibit 115: Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Mar. 30, 2023).....	1496
Exhibit 116: Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Apr. 19, 2023).....	1499
Exhibit 117: Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Apr. 26, 2023).....	1502
Exhibit 118: Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (May 10, 2023).....	1505
Exhibit 119: Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (May 5, 2023).....	1508
Exhibit 120: Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (May 16, 2023).....	1511

Exhibit 121: Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (May 16, 2023).....	1514
Exhibit 122: Agenda: Fifth plenary meeting of the Code of Practice's permanent Task-Force (June 5, 2023).....	1517
Exhibit 123: Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (June 6, 2023).....	1520
Exhibit 124: Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (June 13, 2023).....	1524
Exhibit 125: Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (June 23, 2023).....	1527
Exhibit 126: Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (June 28, 2023).....	1531
Exhibit 127: Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (July 3, 2023).....	1534
Exhibit 128: Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (July 13, 2023).....	1537
Exhibit 129: Email from European Commission staff to Code of Practice on Disinformation Signatories (July 25, 2023).....	1540
Exhibit 130: Slovak Interior Ministry, Analysis of harmful content on Slovak language TikTok (Sep. 2023).....	1542
Exhibit 131: Emails among European Commission staff and Code of Practice on Disinformation Signatories (July 20, 2023).....	1545
Exhibit 132: Email from European Commission staff to Code of Practice on Disinformation Signatories (Sep. 6, 2023).....	1551
Exhibit 133: Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Sep. 6, 2023).....	1554
Exhibit 134: Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Oct. 2, 2023).....	1560
Exhibit 135: Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Sep. 22, 2023).....	1563

Exhibit 136: Email from TikTok staff to European Commission staff (Sep. 26, 2023)	1566
Exhibit 137: Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Oct. 2, 2023)	1568
Exhibit 138: Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Oct. 3, 2023)	1571
Exhibit 139: Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Oct. 3, 2023)	1575
Exhibit 140: Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Oct. 9, 2023)	1578
Exhibit 141: Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Oct. 13, 2023)	1581
Exhibit 142: Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Oct. 18, 2023)	1584
Exhibit 143: Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Oct. 27, 2023)	1587
Exhibit 144: Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Nov. 6, 2023)	1590
Exhibit 145: Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Nov. 6, 2023)	1593
Exhibit 146: Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Nov. 17, 2023)	1596
Exhibit 147: Email from European Commission staff to Code of Practice on Disinformation Signatories (Nov. 29, 2023)	1599
Exhibit 148: Emails between European Commission staff and Code of Practice on Disinformation Signatories (Dec. 5, 2023)	1603
Exhibit 149: Email from European Commission staff to Code of Practice on Disinformation Signatories (Dec. 18, 2023)	1609
Exhibit 150: Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Jan. 24, 2024)	1611

Exhibit 151: Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Jan. 24, 2024).....	1615
Exhibit 152: Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Feb. 22, 2024).....	1619
Exhibit 153: Meeting invitation from European Commission Staff to Code of Practice on Disinformation Signatories (Feb. 22, 2024).....	1621
Exhibit 154: Email from European Commission staff to Code of Practice on Disinformation Signatories (Mar. 1, 2024).....	1623
Exhibit 155: Email from Google staff to European Commission staff (Mar. 19, 2024).....	1626
Exhibit 156: Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Apr. 17, 2024).....	1628
Exhibit 157: Emails between European Commission staff and Code of Practice on Disinformation Signatories (May 2, 2024).....	1631
Exhibit 158: Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (May 15, 2024).....	1634
Exhibit 159: Emails between European Commission staff and Code of Practice on Disinformation Signatories (May 23, 2024).....	1637
Exhibit 160: Emails between European Commission staff and TikTok staff (May 23, 2024).....	1652
Exhibit 161: Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (May 23, 2024).....	1662
Exhibit 162: Emails between European Commission staff and some Code of Practice on Disinformation Signatories (May 29, 2024).....	1672
Exhibit 163: Emails between European Commission staff and some Code of Practice on Disinformation Signatories (May 30, 2024).....	1692
Exhibit 164: Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (June 6, 2024).....	1711
Exhibit 165: Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (June 12, 2024).....	1714

Exhibit 166: Email from Meta staff to European Commission staff (July 10, 2024).....	1717
Exhibit 167: Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (July 10, 2024).....	1722
Exhibit 168: Email from European Commission staff to Code of Practice on Disinformation Signatories (July 17, 2024).....	1725
Exhibit 169: Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Aug. 7, 2024).....	1728
Exhibit 170: Email from European Commission staff to Code of Practice on Disinformation Signatories (Sep. 4, 2024).....	1731
Exhibit 171: Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Sep. 4, 2024).....	1733
Exhibit 172: Emails between European Commission staff and Google staff (Sep. 9, 2024).....	1736
Exhibit 173: Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Sep. 16, 2024).....	1738
Exhibit 174: <i>Summary of the Roundtable on Auditing Commitments of the Code of Practice on Disinformation</i> (Sep. 30, 2024).....	1745
Exhibit 175: Internal emails among Google staff (Oct. 2, 2024).....	1751
Exhibit 176: Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Oct. 2, 2024).....	1756
Exhibit 177: Internal emails among Google staff (Oct. 7, 2024).....	1759
Exhibit 178: Emails between Google staff and European third parties (Oct. 8, 2024).....	1768
Exhibit 179: Event agenda: <i>Disinformation: how new communication technologies are influencing elections and the information landscape</i> (Oct. 10, 2024).....	1776
Exhibit 180: Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Dec. 13, 2024).....	1779
Exhibit 181: Emails among TikTok, the European Commission, and third parties (Dec. 12, 2024).....	1783

Exhibit 182: Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Dec. 16, 2024).....	1786
Exhibit 183: Emails among TikTok, the European Commission, and third parties (Dec. 19, 2024).....	1791
Exhibit 184: Emails among TikTok, the European Commission, and third parties (Dec. 19, 2024).....	1793
Exhibit 185: Emails among TikTok, the European Commission, and third parties (Dec. 20, 2024).....	1796
Exhibit 186: Emails among TikTok, the European Commission, and third parties (Dec. 20, 2024).....	1799
Exhibit 187: Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (Dec. 16, 2024).....	1802
Exhibit 188: <i>New SLI on demonitisation efforts, capturing the financial value (Euros) of actions taken</i>	1810
Exhibit 189: Agenda: First Meeting of the Permanent Task-Force Crisis Response Subgroup (Aug. 10, 2022).....	1815
Exhibit 190: Agenda: Meeting of the Permanent Task-Force Crisis Response Subgroup (Sep. 21, 2022).....	1817
Exhibit 191: Agenda: Meeting of the Permanent Task-Force Crisis Response Subgroup (Sep. 7, 2022).....	1819
Exhibit 192: Agenda: Meeting of the Permanent Task-Force Crisis Response Subgroup (Apr. 19, 2023).....	1821
Exhibit 193: Agenda: Meeting of the Permanent Task-Force Crisis Response Subgroup (Feb. 22, 2023).....	1823
Exhibit 194: Agenda: Meeting of the Permanent Task-Force Crisis Response Subgroup (Feb. 8, 2023).....	1825
Exhibit 195: Agenda: Meeting of the Permanent Task-Force Crisis Response Subgroup (Jan. 11, 2023).....	1827

Exhibit 196: Agenda: Meeting of the Permanent Task-Force Crisis Response Subgroup (Dec. 14, 2022)	1829
Exhibit 197: Draft EU Code of Practice on Disinformation	1831
Exhibit 198: <i>List of problematic accounts on Slovak TikTok</i>	1837
Exhibit 199: Agenda: Meeting of the Permanent Task-Force Crisis Response Subgroup (Mar. 8, 2023)	1880
Exhibit 200: Draft form for <i>Reporting on the service's response during the [COVID/Ukraine] crisis</i>	1882
Exhibit 201: Agenda: Meeting of the Permanent Task-Force Crisis Response Subgroup (Nov. 30, 2022)	1897
Exhibit 202: Agenda: Meeting of the Permanent Task-Force Crisis Response Subgroup (Oct. 19, 2022)	1899
Exhibit 203: Agenda: Meeting of the Permanent Task-Force Crisis Response Subgroup (Oct. 5, 2022)	1901
Section VI: DSA Workshop Exhibits	1903
Exhibit 204: Agenda for DSA multi-stakeholder workshop on systemic risks (May 7, 2025)	1904
Exhibit 205: Detailed Agenda: <i>DSA Multi-Stakeholder Workshop on Systemic Risks and their Mitigation</i> (May 7, 2025)	1907
Exhibit 206: Agenda: Meeting of the Permanent Task-Force Crisis Response Subgroup (Mar. 8, 2023)	1927
Exhibit 207: <i>Protection of Your Personal Data</i> (May 7, 2025)	1932
Exhibit 208: Invitation to the DSA Multi-stakeholder workshop on Systemic Risks (Apr. 25, 2025)	1938
Exhibit 209: Readout of DSA Risk Assessment Roundtable (July 2, 2025)	1944
Exhibit 210: Email thanking participants for attending the DSA Multi-Stakeholder Workshop on Systemic Risks (May 15, 2025)	1949

Section VII: Elections Exhibits 1952

Exhibit 211: TikTok internal <i>Slovak Election Summary Report 2023</i>	1953
Exhibit 212: Meeting invitation from European Commission staff to the members of the Working Group on Elections (Apr. 27, 2023)	1961
Exhibit 213: Meeting agenda from European Commission staff to members of the Working Group on Elections (June 22, 2023)	1964
Exhibit 214: Slovak Council for Media Services Slide Deck: <i>Snap Elections in Slovakia</i> (July 2023)	1966
Exhibit 215: Meeting invitation from European Commission staff to the members of the Working Group on Elections (July 18, 2023)	1975
Exhibit 216: Meeting invitation from European Commission staff to the members of the Working Group on Elections (Sep. 5, 2023)	1978
Exhibit 217: Meeting invitation from European Commission staff to the members of the Working Group on Elections (Sep. 15, 2023)	1981
Exhibit 218: Letter from TikTok to the European Commission (Sep. 2023)	1984
Exhibit 219: Emails from European Commission staff to members of the Working Group on Elections (Sep. 1, 2023)	1989
Exhibit 220: Emails from European Commission staff to members of the Working Group on Elections (Sep. 1, 2023)	1993
Exhibit 221: Letter from the European Commission to TikTok (Sep. 5, 2023)	1997
Exhibit 222: TikTok internal Content Moderation Guidelines for 2023 Polish Election (Sep. 10, 2023)	2001
Exhibit 223: Meeting invitation from European Commission staff to the members of the Working Group on Elections (Sep. 20, 2023)	2020
Exhibit 224: TikTok internal Content Moderation Guidelines for 2023 Slovak Election (Sep. 22, 2023)	2022
Exhibit 225: Meeting invitation from European Commission staff to the Crisis/Elections Steering Committee (Sep. 25, 2023)	2069
Exhibit 226: Meeting invitation from European Commission staff to the Crisis/Elections Steering Committee (Oct. 6, 2023)	2072

Exhibit 227: Meeting invitation from European Commission staff to the Crisis/Elections Steering Committee (Oct. 13, 2023).....	2075
Exhibit 228: Meeting invitation from European Commission staff to the Crisis/Elections Steering Committee (Oct. 23, 2023).....	2078
Exhibit 229: Meeting invitation from European Commission staff to the Crisis/Elections Steering Committee (Oct. 27, 2023).....	2081
Exhibit 230: Emails between TikTok staff and European Commission staff (Nov. 6, 2023).....	2084
Exhibit 231: <i>Non-Paper: TikTok's approach to election preparedness across the EU</i> (Nov. 8, 2023).....	2089
Exhibit 232: Meeting invitation from European Commission staff to the Crisis/Elections Steering Committee (Nov. 14, 2023).....	2100
Exhibit 233: Meeting invitation from European Commission staff to the members of the Working Group on Elections (Nov. 30, 2023).....	2103
Exhibit 234: Meeting invitation from European Commission staff to the Crisis/Elections Steering Committee (Nov. 30, 2023).....	2106
Exhibit 235: Meeting invitation from European Commission staff to the members of the Working Group on Elections (Dec. 20, 2023).....	2109
Exhibit 236: <i>Romanian Information Service: Note No. 2 to the Romanian Supreme Council for National Defense</i> (2024).....	2112
Exhibit 237: <i>Romanian Information Service: Note No. 1 to the Romanian Supreme Council for National Defense</i> (2024).....	2116
Exhibit 238: <i>Romanian Ministry of Internal Affairs: Information Note</i> (2024).....	2122
Exhibit 239: Emails between European Commission staff and Google staff regarding the Brussels to the Bay Event (Jan. 31, 2024).....	2126
Exhibit 240: Emails between Google staff and European Commission staff (Feb. 1, 2024).....	2130
Exhibit 241: Internal emails among Meta staff (Feb. 26, 2024).....	2135
Exhibit 242: <i>Protecting the 2024 Elections: From Alarm to Action</i> (Feb. 29, 2024).....	2138

Exhibit 243: Internal Meta readout of Roundtable on DSA Elections Guidelines (Mar. 1, 2024).....	2141
Exhibit 244: Readout of "Protecting The 2024 Elections: From Alarm to Action" (Mar. 8, 2024).....	2147
Exhibit 245: Minutes of Election Readiness DSA Roundtables (June 4, 2024).....	2157
Exhibit 246: Meeting invitation from European Commission staff to Code of Practice on Disinformation Signatories (June 21, 2024).....	2160
Exhibit 247: Agenda for a European Commission meeting on the French parliamentary elections (June 21, 2024).....	2165
Exhibit 248: Emails from European Commission staff to members of the Code of Practice Task Force (June 24, 2024).....	2168
Exhibit 249: Invitation from the European Commission to a roundtable on election readiness (July 3, 2024).....	2175
Exhibit 250: Readout from the third European Commission roundtable on parliamentary elections (July 10, 2024).....	2178
Exhibit 251: <i>Agenda for the 11th Meeting of the EU Support Hub for International Security and Border Management in Moldova on “Countering Foreign Information Manipulation and Interference”</i> (Sep. 18, 2024).....	2181
Exhibit 252: Emails from European Commission staff to platforms (Sep. 24, 2024).....	2188
Exhibit 253: <i>TikTok 2024 European Parliament Elections Confidential Report</i> (Sep. 24, 2024).....	2191
Exhibit 254: Agenda: Eighth Plenary Meeting of the Code of Practice's Permanent Task-Force (Oct. 1, 2024).....	2206
Exhibit 255: Emails between European Commission staff and TikTok staff (Oct. 23, 2024).....	2210
Exhibit 256: Emails between Meta staff and Irish regulators (Nov. 7, 2024).....	2213
Exhibit 257: Emails between Meta staff and Irish regulators (Nov. 18, 2024).....	2218

Exhibit 258: Invitation to Election Roundtable on Romanian Elections (Nov. 28, 2024)	2224
Exhibit 259: TikTok slide deck: <i>Romanian Elections Platform Integrity Briefing</i> (Nov. 28, 2024)	2226
Exhibit 260: <i>External Information Service Note: Analysis of national security risks generated by the actions of state and non-state cyber actors on IT&C infrastructures, support for the electoral process</i> (Nov. 28, 2024)	2236
Exhibit 261: Emails from the European Commission to TikTok and Romanian regulators (Nov. 28, 2024)	2240
Exhibit 262: Discussion Questions for <i>Election Roundtable on Romanian Elections</i> (Nov. 29, 2024)	2247
Exhibit 263: Emails between European Commission staff and platforms (Nov. 29, 2024)	2249
Exhibit 264: Emails between Romanian regulators, European Commission staff, and TikTok staff (Nov. 28, 2024)	2254
Exhibit 265: Letter from TikTok to the European Commission (Nov. 29, 2024)	2264
Exhibit 266: TikTok Response to Commission RFI (Dec. 7, 2024)	2278
Exhibit 267: TikTok Report on Romanian content (Dec. 12, 2024)	2287
Exhibit 268: TikTok Response to Commission RFI (Dec. 13, 2024)	2289
Exhibit 269: Emails among TikTok, the European Commission, and third parties (Dec. 17, 2024)	2324
Exhibit 270: Emails among TikTok, the European Commission, and third parties (Dec. 20, 2024)	2332
Exhibit 271: Emails between European Commission staff and TikTok staff (Feb. 3, 2025)	2335
Exhibit 272: Emails between European Commission staff and TikTok staff (Feb. 12, 2025)	2338
Exhibit 273: Internal email among Meta staff (Feb. 24, 2025)	2348

Exhibit 274: Draft agenda for meeting between TikTok and Romanian regulators (Feb. 27, 2025).....	2350
Exhibit 275: Agenda for <i>Roundtable - 2025 Romanian Presidential Elections</i> (Mar. 3, 2025).....	2352
Exhibit 276: Email from Dutch regulators to platforms (Sep. 3, 2025).....	2354
Exhibit 277: Agenda for <i>Roundtable on Elections in the Context of the Digital Services Act</i> (Sep. 15, 2025).....	2358
Exhibit 278: Readout of <i>NL Elections Roundtable</i> (Sep. 15, 2025).....	2360
Exhibit 279: Readout of Coimisiun na Meán Irish Presidential Election Roundtable (Sep. 24, 2025).....	2364
Exhibit 280: Readout of <i>DSA Presidential Election Roundtable</i> (Sep. 24, 2025).....	2377
Exhibit 281: Coimisiun na Meán Questionnaire on DSA Risk Assessment for Irish Elections.....	2381
Exhibit 282: Spreadsheet of content about the Romanian election flagged for TikTok.....	2384
Exhibit 283: Spreadsheet of content about the Romanian election flagged for TikTok.....	2400
Exhibit 284: Spreadsheet of content about the Romanian election flagged for TikTok.....	2404
Exhibit 285: Spreadsheet of content about the Romanian election flagged for TikTok.....	2408
Section VIII: Other Exhibits	2415
Exhibit 286: Radicalization Awareness Network, <i>Malign Use of Algorithmic Amplification of Terrorist and Violent Extremist Content: Risks and Countermeasures in Place</i> (2021).....	2416
Exhibit 287: RAN Policy Support, <i>Violent Extremism and Terrorism Online in 2021: The Year in Review</i> (2021).....	2454
Exhibit 288: Rumble Inc.'s Response to an Order to Produce Records from British Columbia's Office of Human Rights (Aug. 31, 2022).....	2504
Exhibit 289: Annex: Information on the Risk Assessment Reports (Aug. 11, 2023).....	2515

Exhibit 290: Commission RFI to TikTok (Oct. 19, 2023).....	2519
Exhibit 291: Commission RFI to TikTok (Mar. 14, 2024).....	2541
Exhibit 292: Emails from Global Network Initiative staff regarding a panel discussion on EU and Brazilian technology regulation (May 27, 2024).....	2554
Exhibit 293: Event Concept Note: Algorithmic Risk Assessments, Audits, and Fundamental Rights (May 30, 2024).....	2558
Exhibit 294: TikTok's DSA Passement Report 2024 (Aug. 28, 2024).....	2561
Exhibit 295: TikTok Response to Commission RFI (Oct. 2, 2024).....	2683
Exhibit 296: Commission RFI to TikTok (Oct. 2, 2024).....	2732
Exhibit 297: TikTok Response to Commission RFI: Schedule of Annexes (Nov. 29, 2024).....	2748
Exhibit 298: Bing Systemic Risk Assessment (Aug. 2025).....	2759
Exhibit 299: Emails between Stanford University staff and European Commission staff (Aug. 23, 2025).....	2892
Exhibit 300: Overview of Standford Dialogue Event: <i>Compliance and Enforcement in a Rapidly Evolving Landscape</i> (Sept. 24, 2025).....	2896
Exhibit 301: List of participants in DSA Stakeholder Event (May 12, 2023).....	2901
Exhibit 302: Commission Decision of 5.12.2025 pursuant to Articles 73(1), 73(3) and 74(1) of Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and amending Directive 2000/31/EC (Digital Services Act); Case DSA.100101, DSA.100102 and DSA.100103 – X (formerly Twitter), C(2025) 8630 final.....	2904