



# **The European Union's Digital Services Act (DSA)**

A Guide for Everyone Who  
Expresses Their Opinion Online



ADF INTERNATIONAL

Imagine this:  
you post a comment online.  
It's not hateful. It's not violent.  
And it's perfectly legal in your  
country. Yet suddenly – it's  
deleted. You might wonder...  
how does this even happen?

To answer that, we need to look at the  
Digital Services Act, or DSA.

**ADF International** advances  
the God-given right to live  
and speak the truth.



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## What is the Digital Services Act (DSA)?

The DSA is the EU's first comprehensive and binding regulation of digital service providers in more than twenty years. It applies to service providers within the EU as well as to providers outside the EU, as long as digital content or services apply to European users.

This Act grants the European Commission the power to regulate online communication on very large online platforms (VLOPs) or very large online search engines (VLOSEs). This includes all platforms with more than 45 million users.

The stated objective of the DSA is “ensuring a safe, predictable and trusted online environment, addressing the dissemination of illegal content online and the societal risks that the dissemination of disinformation or other content may generate.”

This EU law requires large platforms to act quickly and aggressively against content classified as “illegal” or otherwise problematic. However, “illegal content” is not clearly defined. This leads to proactive monitoring, assessment, and removal of content with unclear rules, often leading to precautionary takedowns.

The DSA, therefore, has serious implications for freedom of expression<sup>1</sup> and risks becoming the most dangerous censorship regime of our time.

This guide explains what the DSA regulates, who makes decisions in practice, why content could be blocked or deleted, and the consequences for freedom of expression in Europe and beyond.

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1 The EU Digital Services Act and Freedom of Expression: Friends or Foes? - Constitutional Discourse

**What are VLOPs (very large online platforms) and VLOSEs (very large online search engines)?**

*Very large online platforms and search engines are those whose average users in Europe reach or exceed 10% of the EU population. This corresponds to 45 million users or more. VLOPs: Amazon Store, Facebook, Google Maps, Instagram, LinkedIn, Snapchat, TikTok, Wikipedia, X (formerly known as Twitter), YouTube, WhatsApp. VLOSE: Bing, Google Search.*

## **Why the DSA threatens fundamental freedoms**

There is no disagreement that certain expressions are illegal (e.g. child exploitation, incitement to terrorism), and every platform has an obligation to restrict this content. However, the DSA goes far beyond this.

The DSA requires platforms to remove “illegal content,” which it broadly defines as “any information that, in itself or by reference to an activity, including the sale of products or the provision of services, is not in compliance with Union law or the law of a Member State, irrespective of the precise subject matter or nature of that law.”<sup>2</sup>

Apart from the obligation to remove loosely defined “illegal content,” platforms are required to mitigate risks such as alleged “hate speech,” “disinformation,” and “systematic risks,” including “negative effects on civic discourse” and “serious negative consequences to [a] person’s... mental well-being.” These terms lack clear legal definitions, and targeting them results in the censorship of lawful expression.

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2 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32022R2065>.

It is particularly problematic that the definition of “illegal content” is often based on national laws that vary considerably across EU Member States and often run afoul of international human rights protections for free speech. This creates legal uncertainty for platforms and users alike, as a statement that is lawful in one country may be unlawful in another.

Since the DSA applies to all EU Member States and employs a combination of EU law and Member States’ definitions of “illegal content,” platforms are required to weigh up conflicting legal situations. For VLOPs, this effectively creates an obligation to implement the broadest and most encompassing definition of “illegal content” across the EU, effectively the lowest common denominator for censorship.

Under the DSA, anyone can report content they consider illegal. Platforms are obliged to review these reports and decide whether to remove or restrict the content. Because failure to comply can result in substantial fines, platforms are incentivised to remove reported content rather than risk penalties.

The EU Charter of Fundamental Rights guarantees the rule of law, the separation of powers, and freedom of expression. Freedom of expression is the foundation of every democratic society. It includes the right to express unpopular or controversial opinions. It enables open debate and questioning of authority, and forms the basis for a free and open exchange of ideas. The EU must diligently uphold this freedom rather than restrict it.

## **International Protections of Freedom of Expression**

***Universal Declaration of Human Rights:** Everyone has the right to freedom of opinion and expression. This includes the right to hold opinions without interference and to seek, receive, and impart information and ideas through any media, regardless of frontiers.*

***International Covenant on Civil and Political Rights:** Protects freedom of expression and permits restrictions only for respect of the rights or reputations of others, protection of national security, public order, public health, or morals.*

***European Convention on Human Rights:** Everyone has the right to freedom of expression, including the freedom to hold opinions and receive and impart information. Restrictions are permitted for national security, territorial integrity, public safety, prevention of disorder or crime, protection of health/morals, protection of reputation/rights of others, or maintaining the authority of the judiciary.*

***Charter of Fundamental Rights of the European Union:** Everyone has the right to freedom of expression and information, and this includes freedom to receive and impart information without interference. Restrictions are permitted for the protection of the rights of others, security, public order, public health, or morals.*

## **Content Moderation and the European Commission**

The DSA is at the heart of Europe's censorship industrial complex, consisting of several interwoven regulations and codes. Censorship occurs through vast "content moderation" networks coupled with a powerful enforcement mechanism to force platforms to comply.

### **Censorship Industrial Complex**

*The Censorship Industrial Complex consists of a robust alliance of governments, international institutions, tech giants, media outlets, academic institutions, and advocacy groups collaborating to control the flow of information, primarily online.*

The Commission plays a key role in the legislative process and acts as the central enforcement authority of the European Union. It is tasked with overseeing the DSA's implementation. Through the DSA, the Commission can effectively determine what content is considered "illegal." Although the Commission itself does not provide a general definition of "illegal content," in practice, it determines whether a platform has breached its obligations. The DSA enables the Commission to heavily penalise platforms if they do not remove certain content, even where it is unclear whether that content is, in fact, illegal.

### **The European Commission**

*The European Commission is the executive authority of the European Union. It proposes EU legislation, oversees its implementation in the Member States, and manages the EU budget. It currently consists of 27 Commissioners (one per Member State), who are appointed by their respective national governments, including its President, Ursula von der Leyen (second term, 2024–2029).*

To implement the DSA across the board, a network of "trusted flaggers," national coordinators called Digital Services Coordinators (DSC's), supervisory authorities, independent auditors, and other par-

ticipating bodies has been created, with the Commission acting as the supervisory authority.

“Trusted flaggers” are organisations designated by national authorities as having special expertise in identifying “illegal content.” They submit reports to platforms, which are required to review these reports with priority and, if appropriate, remove or restrict the content (e.g., via geo-blocking or visibility limits). Since the flaggers include NGOs that are funded by the EU, there is a risk that they may pursue an ideological agenda and flag lawful content for removal.

### **Digital Services Coordinator**

*The Digital Services Coordinator is a national authority in each Member State responsible for implementing and enforcing of the DSA at the national level. The DSCs work together with the European Commission to monitor compliance with the DSA. They are empowered, in cases of suspected violations of the DSA, to request access to data from very large online platforms (VLOPs) and very large online search engines (VLOSEs), to carry out inspections, and to impose sanctions such as fines.*

### **Trusted Flaggers**

*The concept of trusted flaggers originates from social media platforms, where it has traditionally been regulated through their terms and conditions. From early 2024 to mid-2025, a total of 36,015 reports of “illegal content” were submitted in Germany – an average of 65 per day. Trusted flaggers are intended to be entities with particular expertise in*

*identifying and reporting “illegal content.” They are designated by the national authorities. Platforms are required to give priority treatment to reports submitted by these trusted flaggers.*

Platforms are required not only to remove reported content, but also to proactively prevent “illegal content.” They must conduct regular risk assessments to determine the extent to which their services could contribute to the dissemination of such content. These risks include, among others, “any actual or foreseeable negative effects on civic discourse and electoral processes, and public security; any actual or foreseeable negative effects in relation to gender-based violence, the protection of public health and minors and serious negative consequences to the person’s physical and mental well-being.”<sup>3</sup> These assessments are strongly based on subjective value judgments.

Risk minimisation measures include adapting the platform design, terms of use, algorithmic systems, advertising strategies and content control, as well as measures to raise user awareness.

VLOPs do not only remove content that is clearly “illegal;” they also delete posts that could be classified as “harmful.” In doing so, platforms increasingly rely on automated systems. These systems often fail to capture context and therefore also flag lawful content. This reinforces the risk that action will be taken not only against behaviour punishable by law, but also against anything deemed “controversial” or a deviation from the social mainstream.

The DSA's structure is intentionally complex, making it difficult for platforms and ordinary users to know what constitutes allowable speech. As platforms have the obligation to moderate content, the Commission can hide behind the DSA to claim that it itself is not censoring speech.

## **How is the DSA enforced?**

A powerful enforcement mechanism ensures compliance. Under the threat of enormous financial penalties and suspension, platforms are forced to censor and potentially suspend individuals, and individuals may even be criminally prosecuted.

## **Penalties for users like you**

- If content has been reported and, following its own review, the platform classifies it as illegal, it must remove the content or restrict access to it, and inform the affected account accordingly.
- If a user repeatedly publishes “illegal content,” the platform may suspend the account, but only after issuing a warning and provided that such measures are appropriate and limited in time.
- Digital Services Coordinators may seek court orders to determine whether content is “illegal” and may subsequently impose fines on platforms or even suspend their operations.

### **The Päivi Räsänen Case**

*On 30 October 2025, Finnish Member of Parliament and former Minister of the Interior, Päivi Räsänen, faced her third criminal trial for public-*

*ly expressing her Christian beliefs – this time before Finland’s highest court. A judgment is expected in the coming months.*

*At the centre of the case is a tweet from 2019 in which Räsänen shared her religious convictions and a Bible quotation about marriage and sexuality (further details are also available online at [www.adfinternational.org/paivi](http://www.adfinternational.org/paivi)). Two additional charges followed: excerpts from a radio debate in the same year and a pamphlet titled “Male and Female He Created Them,” which she wrote for her church in 2004. In addition to Räsänen, Bishop Juhana Pohjola also stood trial for publishing the pamphlet.*

*The public prosecutor accuses both Räsänen and Bishop Pohjola of “ethnic agitation against a minority,” an offence under the Finnish Criminal Code, listed in the section on “war crimes and crimes against humanity.” Räsänen has already been acquitted twice – first by the Helsinki District Court in 2022 and then by the Court of Appeal in 2023. Nevertheless, the prosecution lodged a further appeal with the Supreme Court of Finland. ADF International has been providing legal support to Räsänen since 2019.*

## **“Hate speech”**

“Hate speech” laws violate the right to free speech. The term “hate speech” that the DSA seeks to combat is not recognised in international law. On the contrary, every person has the clear right to speak freely, and expression cannot be punished under the law simply because it is subjectively deemed “hateful.”

Due to their vague and subjective nature, laws against “hate speech” are inconsistently applied in practice and often target lawful, peaceful expression, such as in the case of Päivi Räsänen (see info box).

## **Penalties for platforms**

- Platforms with more than 45 million active users that fail to remove flagged content may be fined up to 6% of their global annual turnover. For companies such as Google, Amazon, Meta, and X, this can amount to billions of euros.
- If a platform refuses to remove or restrict reported “illegal content” – in particular where the report comes from a trusted flagger or a supervisory authority – it must expect consequences.
- If a platform repeatedly violates the requirements, the Commission may even impose a temporary or permanent ban, resulting in a complete exclusion from the EU market.

## **Continuous expansion of the censorship industrial complex**

In addition to the DSA, the EU has adopted numerous other regulations governing digital communication in the broadest sense. The European Democracy Shield is intended to further reinforce the DSA. According to its stated wording, the aim is to protect the EU from foreign manipulation of information and interference, particularly in the digital sphere, with a focus on the integrity of elections and political processes. This instrument threatens lawful expressions of opinion.

In addition, the DSA grants the European Commission a “crisis response mechanism” allowing the European Commission to demand additional censorship measures from online platforms, without being subject to clearly defined conditions or limitations in the event of a crisis.

In the DSA, a “crisis” is defined as a situation in which “extraordinary circumstances lead to a serious threat to public security or public health in the Union or in significant parts of it.”<sup>4</sup> Such crises may result from “armed conflicts or acts of terrorism, including emerging conflicts or acts of terrorism, natural disasters such as earthquakes and hurricanes, as well as from pandemics and other serious cross-border threats to public health.”

Under the DSA, the Commission may adopt a decision requiring VLOPs to take specific measures in response to a “crisis.” Platforms are then obliged to assess the extent to which their services contribute to a serious threat, to take measures to prevent, eliminate, or mitigate that threat, and subsequently to report to the Commission on the steps taken.

The possible measures include, “for example, adapting content moderation processes and increasing resources for content moderation, adapting the terms and conditions, the relevant algorithmic systems and advertising systems, further intensifying cooperation with trusted flaggers, carrying out awareness-raising measures and promoting trusted information, as well as adapting the design of their online interfaces.”

The term “content moderation” obscures the fact that this constitutes a legally problematic form of content control. In the worst case, the European Commission could, at its own discretion, severely restrict freedom of expression as soon as it itself declares a “crisis.” Platforms would then be obliged to “mitigate risks,” even if this means blocking access to information or suppressing opinions.

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4 <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32022R2065>.

## **Legal remedies available to affected users or platforms**

The DSA significantly restricts the scope of action of national courts when it comes to protecting citizens' freedom of expression. Once the Commission has adopted a decision, national courts are not permitted to issue divergent rulings.

Users whose content has been removed or restricted can contact the platform directly, use a certified out-of-court dispute resolution procedure, or contact the Digital Services Coordinator. These out-of-court dispute settlement bodies do offer a simple and inexpensive way to file a complaint (for users, only €5), but their decisions are not legally binding. Platforms are merely required to participate in the procedure in good faith. If a platform refuses to comply, the only remaining option is often lengthy court proceedings. As a result, many users are likely to submit to content control or to engage in self-censorship as a precaution.

Individuals or platforms could theoretically also challenge censorship measures before national courts. However, the DSA significantly restricts the scope of national courts in protecting freedom of expression. The DSA states that the “national court shall not take any decision which runs counter to that Commission decision. National courts shall also avoid taking decisions which could conflict with a decision contemplated by the Commission in proceedings it has initiated under this Regulation.”<sup>5</sup>

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<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32022R2065>.

## **X challenges €120M EU censorship fine before the ECJ**

*It is possible to bring the case before the Court of Justice of the EU (CJEU). X has launched a landmark legal challenge against the €120 million fine it received in December under the DSA. The platform filed an appeal against the fine at the General Court of the European Union (GC), a part of the Court of Justice of the EU (CJEU), which hears high-stakes challenges to EU regulatory and enforcement actions. X is challenging the fine with the support of ADF International.*

*This judicial challenge is the first opportunity for the EU court to examine how the Commission calculates DSA fines and whether enforcement of this law respects fundamental rights. The case also challenges the Commission's combined role as regulator, prosecutor, and judge under the DSA – a role codified in the DSA itself, but which raises high concerns for due process and the rule of law.*

*Because the DSA applies to VLOPs, a ruling from the EU court will affect how all big tech platforms are regulated by the law. In its legal challenge, X argues for the fine to be withdrawn. If the basis for the DSA-related fine is found not to be compliant with other EU law, the entire enforcement architecture of the DSA will be impacted.*

## **The DSA and its extraterritorial application**

The effects of the DSA are not limited to Europe. The Act also influences freedom of expression worldwide. The DSA expressly provides for its extraterritorial application, stating that it shall apply to “intermediary services offered to recipients of the service who have their place of establishment or are located in the Union, irrespective of the place of establishment of the providers of those intermediary services.”<sup>6</sup>

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6 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32022R2065>.

The DSA states that content may be removed only to the extent strictly necessary, but this does not correlate with what is happening in practice. Concerns are increasingly being voiced by governments of sovereign states outside the EU as well.<sup>7</sup>

Although the DSA is nominally applicable only to expressions within the EU, regulatory authorities can impose far-reaching measures on companies based outside the EU. If content is classified as “misleading or deceptive,” substantial fines may be imposed. Since many platforms apply uniform rules worldwide, the DSA can thus, in practice, set global censorship standards.<sup>8</sup>

In essence, the DSA can restrict users’ speech no matter where they live. In the worst case, blocking content from reaching the 500 million inhabitants of the EU could cut an entire continent out of the conversation – a draconian move with world-changing consequences.

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7      New Report Exposes European Commission Decade-Long Campaign to Censor American Speech | House Judiciary Committee Republicans

8      <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32022R2065>.

## **Conclusion: Assessment of the DSA**

The DSA positions the European Commission with the authority to target lawful expression, and, therefore, threatens free speech. It undermines the very democratic principles it claims to protect. International law allows limits on freedom of expression only in very specific circumstances. Any restriction must be clearly defined in law so people can understand what is permitted and what is not. The DSA does not meet this standard because its rules are vague and imprecise, incentivising a system where the harshest of censorship laws become the global standard.

The intense pressure placed on platforms to control content creates the risk of an internet shaped by fear – fear of penalties, fear of account suspensions, and fear of freely expressing one’s own opinions. Political decision-makers must therefore work to repeal or substantially amend the DSA to protect free speech and ensure that regulation in the digital sphere does not come at the expense of fundamental freedoms.

It is not the role of governments – and even less so of non-democratically elected administrative officials – to determine what may be said and what may not.

It is a positive development that the societal – and increasingly political – debate on the DSA and its impact on freedom of expression and speech is gaining importance. Members of the European Parliament who originally voted in favour of the legislation are now expressing clear criticism and calling for amendments or even for the repeal of the DSA. MEPs have asserted that vague concepts such as “hate speech” run counter to the right to free speech.

It is also concerning that, in the context of the European Commission's November 2025 evaluation of the DSA, risks to freedom of expression were explicitly excluded. Just shortly before, several political voices, as well as more than 100 international experts on freedom of expression, called for this issue to be included. They warned about global online censorship under the DSA in a letter to the Commission, coordinated by ADF International.

ADF International is committed to challenging violations of free speech resulting from the DSA and building critical momentum to repeal or substantially reform this censorial framework. We are working to amend or strike down the parts of the DSA that undermine freedom of expression.

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