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Brussels, June 4, 2020

Dear Members of the Telecommunications Council,  
Dear Executive Vice-President Vestager, Dear Commissioner Breton,

Firstly, we hope that you and your families are in good health and coping with the challenging circumstances of the coronavirus pandemic.

We are writing to you ahead of the 5 June virtual meeting of ministers responsible for telecommunications. We understand that the meeting will include an exchange of views on the forthcoming Digital Services Act (DSA), and we wish to raise a few core issues we consider essential for a successful reform.

The undersigned organisations are dedicated to promoting and protecting fundamental rights and freedoms in the digital environment. The Digital Services Act will have immense importance for European citizens' rights to free expression, access to information, privacy and data protection. With the right approach, we believe the Digital Services Act can help strengthen the internet as an open space for debate, expression and creativity, and address legitimate concerns about illegal and harmful content.

First, **the fundamental principle of limited liability for user-generated content must be preserved.** Had it not been for these protections, the many thousands of online sites and services that have appeared in Europe and beyond would not have grown and prospered. A legal framework that regulates content dissemination must give new online services legal certainty, be able to start up, grow and scale.

Second, it is crucial to **maintain the prohibition on general monitoring obligations**. General monitoring would undermine free expression and privacy by imposing ongoing and indiscriminate control of all online content with mandatory use of technical filtering tools. The no-monitoring principle protects free expression and can be maintained while creating oversight and accountability for the use of automated tools in online content moderation.

Third, **a harmonised, transparent and rights-protective notice-and-action framework should be a key part of the DSA**. This should enable users to flag potentially illegal content and set clear and predictable requirements for intermediaries to have processes in place to deal responsibly with such notifications with due regard for users' free expression rights.

Finally, **the DSA should establish minimum requirements for meaningful and robust transparency mechanisms** for both Member States and online platforms. Transparency is a precondition for gathering evidence about the implementation and the impact of existing laws. It enables legislators and judiciaries to understand the regulatory field better and to learn from past mistakes. Only through the combination of comprehensive transparency reports by states and intermediaries can regulators as well as individual users gain a realistic picture of how online content moderation works.

We are pleased that Members of the European Parliament have raised these issues in [draft reports on the DSA](#), and that a recent [discussion paper](#) from the D9+ group of Member States also includes these points.

We support the objective of updating the European framework for online content governance to reflect the past years' significant developments in technology, markets and business models. We will provide constructive input to the recently launched European Commission public consultation to shape an open digital environment with a wide choice of different online services that reflect the diversity of Europe and its citizens.

Yours sincerely,

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[Article 19](#)

[Center for Democracy & Technology](#)

[Civil Liberties Union for Europe \(Liberties\)](#)

[Civil Rights Defenders](#)

[Digitale Gesellschaft](#)

[epicenter.works](#)

[Homo Digitalis](#)

[Human Rights Monitoring Institute \(HRMI\)](#)

[Justitia](#)

[The Peace Institute – Institute for Contemporary Social and Political Studies](#)

[Rights International Spain](#)