



EUROPEAN COMMISSION

Thierry Breton
Member of the Commission

Brussels, 10 October 2023

Dear Mr Musk,

Following the terrorist attacks carried out by Hamas against Israel, we have indications that your platform is being used to disseminate illegal content and disinformation in the EU.

Let me remind you that the Digital Services Act sets very precise obligations regarding content moderation.

First, you need to be very transparent and clear on what content is permitted under your terms and consistently and diligently enforce your own policies. This is particularly relevant when it comes to violent and terrorist content that appears to circulate on your platform. Your latest changes in public interest policies that occurred over night left many European users uncertain.

Second, when you receive notices of illegal content in the EU, you must be timely, diligent and objective in taking action and removing the relevant content when warranted. We have, from qualified sources, reports about potentially illegal content circulating on your service despite flags from relevant authorities.

Third, you need have in place proportionate and effective mitigation measures to tackle the risks to public security and civic discourse stemming from disinformation. Public media and civil society organisations widely report instances of fake and manipulated images and facts circulating on your platform in the EU, such as repurposed old images of unrelated armed conflicts or military footage that actually originated from video games. This appears to be manifestly false or misleading information.

I therefore invite you to urgently ensure that your systems are effective, and report on the crisis measures taken to my team.

Given the urgency, I also expect you to be in contact with the relevant law enforcement authorities and Europol, and ensure that you respond promptly to their requests.

Moreover, on a number of other issues of DSA compliance that deserve immediate attention, my team will follow up shortly with a specific request.

I urge you to ensure a prompt, accurate and complete response to this request within the next 24 hours. We will include your answer in our assessment file on your compliance with the DSA. I remind you that following the opening of a potential investigation and a finding of non-compliance, penalties can be imposed.

Yours sincerely,

Thierry Breton