

From: [CAB VESTAGER CONTACT](#)
To: [REDACTED]
Cc: [REDACTED]; [STENGGER Werner \(CAB-VESTAGER\)](#)
Subject: RE: [Joint letter] Holiday Wish List for the Digital Services Act
Date: Thursday 9 December 2021 16:45:25

Dear Sir, Dear Madam,

We hereby confirm the reception of your email addressed to Executive Vice-President Margrethe Vestager.

Best regards,

Cabinet Vestager Team

From: [REDACTED]@twitter.com>

Sent: Thursday, December 9, 2021 4:20 PM

To: CAB VESTAGER CONTACT <xxxxxxxxxxxxxxxxxxxxxxxxxxxx@xx.xxxxxx.xx>; STENGGER Werner (CAB-VESTAGER) <xxxxxx.xxxxxx@xx.xxxxxx.xx>

Cc: [REDACTED]
[REDACTED]
[REDACTED]

Subject: [Joint letter] Holiday Wish List for the Digital Services Act

Dear Executive Vice-President Vestager,

Please find below our recent [joint wish list](#) for the Digital Services Act signed by Automattic, Jodel, Seznam, Twitter and Vimeo.

We would be happy to meet with you and your team in the new year to further discuss our approach and please let us know if you have any questions or comments.

Wishing you and your team all the best for the holidays.

Signed; *Automattic, Jodel, Seznam, Twitter and Vimeo*

Holiday Wish List for the Digital Services Act

As we come to the end of 2021, the Digital Services Act and the European Union's Digital Single Market (DSM) face an uncertain future. Countries are pulling at the threads of the DSM – such as the Country of Origin Principle – without fully appreciating the damage they might cause to Europe's digital ecosystem. Small-to-medium size tech companies, including homegrown enterprises, are asking the EU to preserve the regulatory frameworks that underpin their existence.

Automattic, Jodel, Seznam, Twitter and Vimeo are today building on their joint advocacy over the past year ([letter, June 2021](#)) with a DSA Holiday Wish List. We seek to encourage fair and progressive regulation, both in Europe and globally, that works for companies and countries of all sizes.

Here's our 2022 wish list for the DSA:

- **A harmonised definition and enforcement framework across Member States for 'illegal content'.** This avoids excessive takedowns or conflicting rules that will build digital borders.
- **A strong Country of Origin principle that supports a diverse online marketplace.** Without it, we risk entrenching the largest players, reducing consumer choice and irreparably splintering the Digital Single Market. At least ten Member States have [submitted positions](#) that align with our view – highlighting the shared interests between smaller

companies and smaller countries.

- **No general monitoring obligations or stay-down provisions.** If you really mean it, don't include it.
- **A clear and harmonised notice and action mechanism in Article 14.** This removes legal uncertainty, duplication, conflict and demonstrates a commitment to a coherent content regime for the EU.
- **No more removal timelines.** With conflicting definitions of illegal content, this approach does not do justice to the complexity and context of user expression and would incentivise a “delete first” approach.
- **Remove law enforcement back doors in Article 15a.** Ensure transparent and rigorous judicial processes are firmly established with respect to content takedown and user data requests from law enforcement.
- **Gatekeepers/Very Large Online Platform (VLOP) Criteria Alignment.** The criteria for defining “Gatekeepers” and VLOPs should be aligned across the Digital Markets Act Article 3 and the DSA’s **Article 25**. These criteria should reflect the commercial reality of the sector, as [shown here](#).
- **Recognise that search engines are often different to social or commercial platforms.** The obligations put on search engines, particularly those not in the VLOP category of services, should be carefully considered and must be feasible and scalable. European search start-ups, such as Seznam, could easily be hurt.