



Commission opens formal proceedings against TikTok under the Digital Services Act

Brussels, 19 February 2024

The European Commission has opened **formal proceedings** to assess whether TikTok may have breached the [Digital Services Act \(DSA\)](#) in areas linked to the protection of minors, advertising transparency, data access for researchers, as well as the risk management of addictive design and harmful content.

On the basis of the preliminary investigation conducted so far, including on the basis of an analysis of the risk assessment report sent by TikTok in September 2023, as well as TikTok's replies to the Commission's formal Requests for Information (on [illegal content](#), [protection of minors](#), and [data access](#)), the Commission has decided to open formal proceedings against TikTok under the Digital Services Act.

The proceedings will focus on the following areas:

- The compliance with the DSA obligations related to the assessment and mitigation of systemic risks, in terms of actual or foreseeable **negative effects** stemming from the design of TikTok's system, including algorithmic systems, **that may stimulate behavioural addictions and/or create so-called 'rabbit hole effects'**. Such assessment is required to counter potential risks for the exercise of the fundamental right to the **person's physical and mental well-being, the respect of the rights of the child as well as its impact on radicalisation processes**. Furthermore, the mitigation measures in place in this respect, notably **age verification tools** used by TikTok to prevent access by minors to inappropriate content, may not be reasonable, proportionate and effective;
- The compliance with DSA obligations to put in place appropriate and proportionate measures to **ensure a high level of privacy, safety and security for minors**, particularly with regard to default privacy settings for minors as part of the design and functioning of their recommender systems;
- The compliance with DSA obligations to **provide a searchable and reliable repository for advertisements** presented on TikTok;
- The measures taken by TikTok to increase the transparency of its platform. The investigation concerns suspected **shortcomings in giving researchers access to TikTok's publicly accessible data** as mandated by Article 40 of the DSA.

If proven, these failures would constitute infringements of Articles 34(1), 34(2), 35(1), 28(1), 39(1), and 40(12) of the DSA. The Commission will now carry out an in-depth investigation as a matter of priority. The opening of formal proceedings does not prejudice its outcome.

The current opening of proceedings is without prejudice to any other proceeding that the Commission may decide to initiate on any other conduct that may constitute an infringement under the DSA, for example in relation to a provider's obligations concerning the dissemination of illegal content, such as terrorist content or child sexual abuse online, or the notification of suspicions of criminal offences.

It is also without prejudice to enforcement actions undertaken by other authorities under other regulatory frameworks, for example, by [the Consumer Protection Cooperation Network](#).

Next Steps

After the formal opening of proceedings, the Commission will continue to gather evidence, for example by sending additional requests for information, conducting interviews or inspections.

The opening of formal proceedings empowers the Commission to take further enforcement steps, such as interim measures, and non-compliance decisions. The Commission is also empowered to accept any commitment made by TikTok to remedy on the matters subject to the proceeding.

The DSA does not set any legal deadline for bringing formal proceedings to an end. The duration of an in-depth investigation depends on several factors, including the complexity of the case, the extent to which the company concerned cooperates with the Commission and the exercise of the rights of defence.

The opening of formal proceedings relieves Digital Services Coordinators, or any other competent authority of EU Member States, of their powers to supervise and enforce the DSA in relation to the suspected infringements of Article 28(1).

Background

TikTok was [designated as a Very Large Online Platform](#) (VLOP) on 25 April 2023 under the EU's Digital Services Act, following its declaration of having 135.9 million monthly active users in the EU. As a VLOP, four months from its designation, TikTok had to start complying with a series of obligations set out in the DSA.

Since 17 February, the Digital Services Act [applies](#) to all online intermediaries in the EU.

For More Information

[EU Official Journal text on the DSA](#)

[Very large online platforms and search engines under the DSA](#)

[DSA general entry into application](#)

[The enforcement framework under the Digital Services Act](#)

[Digital Services Act – Questions and Answers](#)

IP/24/926

Quotes:

"The safety and well-being of online users in Europe is crucial. TikTok needs to take a close look at the services they offer and carefully consider the risks that they pose to their users - young as well as old. The Commission will now carry out an in-depth investigation without prejudice to the outcome."

Margrethe Vestager, Executive Vice-President for a Europe Fit for the Digital Age - 19/02/2024

"The protection of minors is a top enforcement priority for the DSA. As a platform that reaches millions of children and teenagers, TikTok must fully comply with the DSA and has a particular role to play in the protection of minors online. We are launching this formal infringement proceeding today to ensure that proportionate action is taken to protect the physical and emotional well-being of young Europeans. We must spare no effort to protect our children."

Thierry Breton, Commissioner for Internal Market - 19/02/2024

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