



Commission opens formal proceedings against TikTok on election risks under the Digital Services Act

Brussels, 17 December 2024

Commission opens formal proceedings against TikTok on election risks under the Digital Services Act

Today, the Commission has opened formal proceedings against TikTok for a suspected breach of the [Digital Services Act \(DSA\)](#) in relation to TikTok's obligation to properly assess and mitigate systemic risks linked to election integrity, notably in the context of the recent Romanian presidential elections on 24 November.

Commission President, Ursula **von der Leyen**, said: *"We must protect our democracies from any kind of foreign interference. Whenever we suspect such interference, especially during elections, we have to act swiftly and firmly. Following serious indications that foreign actors interfered in the Romanian presidential elections by using TikTok, we are now thoroughly investigating whether TikTok has violated the Digital Services Act by failing to tackle such risks. It should be crystal clear that in the EU, all online platforms, including TikTok, must be held accountable."*

The proceedings will focus on management of risks to elections or civic discourse, linked to the following areas:

- TikTok's **recommender systems**, notably the risks linked to the coordinated inauthentic manipulation or automated exploitation of the service.
- TikTok's policies on **political advertisements and paid-for political content**.

As regards both elements, one of the suspicions the Commission is going to investigate is whether TikTok has diligently mitigated the risks posed by specific regional and linguistic aspects of national elections.

Should the Commission's suspicions be proven correct, these shortcomings would constitute infringements of Articles 34(1), 34(2) and 35(1) 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.

This decision to open an investigation takes into account information received from declassified intelligence reports by the Romanian authorities, as well as third-party reports. The investigation also follows the analysis of the risk assessment reports submitted by TikTok in 2023 and 2024, the replies to the Commission's requests for information, and internal documents provided by TikTok.

Coimisiún na Meán, the [Digital Services Coordinator](#) for Ireland, has been associated to the Commission's investigation and will contribute with its expertise and analysis to the case. Ireland is TikTok's country of establishment in the EU.

Next steps

After the formal opening of proceedings, the Commission will continue to gather evidence, for example by sending additional requests for information, conducting monitoring actions, interviews, inspections and requesting access to algorithms. Such requests for information may require TikTok to provide data and documents it has been obliged to retain on the basis of the retention order imposed by the Commission on 5 December.

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 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.

Moreover, the opening of formal proceedings does not prejudice any other proceedings that the Commission may decide to initiate under other provisions of the DSA.

Background

On 5 December 2024, the Commission issued a [retention order to TikTok](#), ordering the platform to freeze and preserve data related to actual or foreseeable systemic risks its service could pose on electoral processes and civic discourse in the EU. This retention order concerns national elections in the European Union between 24 November 2024 and 31 March 2025.

This is the third investigation that the Commission has launched against TikTok, following the [ongoing investigation](#) opened on 19 February 2024 and the [investigation](#) closed with [commitments](#) in August 2024.

On 30 April 2024, the Commission launched a [whistleblower tool for the DSA](#). The DSA Whistleblower Tool offers individuals with inside information a secure and privacy-protected avenue to share anonymous, or attributed, submissions of harmful practices by VLOPs and VLOSEs to the European Commission.

IP/24/6487

Quote(s):

"We must protect our democracies from any kind of foreign interference. Whenever we suspect such interference, especially during elections, we have to act swiftly and firmly. Following serious indications that foreign actors interfered in the Romanian presidential elections by using TikTok, we are now thoroughly investigating whether TikTok has 3 violated the Digital Services Act by failing to tackle such risks. It should be crystal clear that in the EU, all online platforms, including TikTok, must be held accountable."
Ursula von der Leyen, President of the European Commission - 17/12/2024

"As the European Union, we have a responsibility to safeguard our democratic processes from potential manipulation and interference. I am confident that our investigation into TikTok's practices will contribute to a safer and more trustworthy online environment for all EU citizens, and I look forward to working closely with TikTok to address any concerns that may arise."
Henna Virkkunen, Executive Vice-President for Tech Sovereignty, Security and Democracy - 17/12/2024

Press contacts:

[Thomas REGNIER](#) (+32 2 29 91099)

[Patricia POROPAT](#) (+32 2 29 80485)

General public inquiries: [Europe Direct](#) by phone [00 800 67 89 10 11](#) or by [email](#)