



Council of the European Union  
General Secretariat

**Brussels, 05 February 2021**

---

---

**Interinstitutional files:  
2020/0361 (COD)**

---

---

**WK 1705/2021 INIT**

**LIMITE**

**COMPET  
MI  
JAI  
TELECOM**

**CT  
PI  
AUDIO  
CONSUM  
CODEC**

*This is a paper intended for a specific community of recipients. Handling and further distribution are under the sole responsibility of community members.*

**NOTE**

---

From: HR Delegation  
To: Working Party on Competitiveness and Growth (Internal Market - Attachés)  
Working Party on Competitiveness and Growth (Internal Market)

---

Subject: Questions from HR delegation: Digital Services Act - Chapters I and II

---

**Recital 26**

*It is important to act on illegal content, and focus action on the actor who has the best technical and operational ability to act and to minimize any negative effects. Is availability and accessibility to legal content (not illegal content), which has been removed, the only negative effect?*

**Recital 33**

*Can a Member State issue an order to act against illegal content and to provide information where the service provider addressed is established in a different country?*