

Ref.: FORMAL COMPLAINT — Articles 34–35 DSA Brussels / The Hague, 8 July 2026

To: European Commission, Directorate-General for Communications Networks, Content and Technology (DG CONNECT) — Digital Services Act Enforcement Unit

Re: Systemic risk obligations of X Corp. / X Internet Unlimited Company — failure to assess and mitigate systemic risks to fundamental rights under Articles 34 and 35 DSA

Submitted by: Goran Kolouch, Independent Researcher, Founder of the proposed Dutch foundation (stichting) EqualFaith Europe (currently being established)

FORMAL COMPLAINT

Pursuant to Article 34 and Article 35 of Regulation (EU) 2022/2065 (Digital Services Act)

I. Introduction and Purpose of This Complaint

1. This complaint is submitted pursuant to the complaint mechanism available under the Digital Services Act (“DSA”) in relation to a designated Very Large Online Platform (“VLOP”), X (operated by X Corp. and its EU-facing entities, together “X” or “the Platform”). It concerns the Platform’s compliance with Articles 34 and 35 of Regulation (EU) 2022/2065.
2. This complaint is distinct from, and additional to, any prior or pending enforcement action concerning the Platform, including the December 2025 fine addressing advertising repository obligations and the ongoing investigation by Coimisiún na Meán into content-moderation appeal mechanisms under Article 20 DSA. Those matters concern separate and narrower obligations. This complaint concerns the Platform’s structural, systemic risk-assessment and mitigation obligations under Articles 34 and 35, which the complainant submits have not been the subject of any public enforcement action to date, notwithstanding a substantial evidentiary record.
3. The complainant respectfully submits that the European Commission is the competent authority for this matter. Under Article 56(2) DSA, the Commission holds exclusive competence to supervise and enforce Articles 34 and 35 in respect of providers of VLOPs, superseding the jurisdiction of the Digital Services Coordinator of establishment for this specific category of obligation.

II. Legal Framework

A. The obligations at issue

4. Article 34(1) DSA requires providers of VLOPs to identify, analyse, and assess, at least once a year, any systemic risks stemming from the design or functioning of their service and its related systems, including algorithmic systems, or from the use made of their services by recipients. Article 34(2) requires this assessment to be conducted with particular attention to how content moderation systems, recommender systems, and systems for selecting and displaying advertisements influence the identified risks, including through rapid or wide dissemination of content.
5. Article 34(1)(b) and (c) identify, among the categories of systemic risk to be assessed:
 - a. any actual or foreseeable negative effects for the exercise of fundamental rights, in particular the right to non-discrimination enshrined in Article 21 of the Charter of Fundamental Rights of the European Union, and the right to respect for human dignity under Article 1 of the Charter;
 - b. any actual or foreseeable negative effects on civic discourse and public security.
6. Article 35(1) requires providers of VLOPs to put in place reasonable, proportionate, and effective mitigation measures, tailored to the specific systemic risks identified pursuant to Article 34, with particular consideration to the effects of such measures on fundamental rights. Article 35(1)(c) and (d) specify, as illustrative examples of appropriate measures, adapting recommender systems and content moderation processes, and reinforcing internal processes or supervision of any activities linked to the risks identified.
7. Recital 84 DSA clarifies that systemic risk assessment should extend to the intentional and, at times, coordinated manipulation and use of a platform’s service, with a foreseeable impact on health, civic discourse, electoral processes, public security, and protection of minors, having regard to the need to protect public order and the fundamental rights of others.

B. The standard of liability

8. The obligation under Articles 34 and 35 is not contingent on any individual item of content being unlawful, nor does it require proof that a specific post caused a specific, identifiable harm to a specific individual. The obligation is a systemic and process-based one: whether the platform’s governance conducted an adequate risk assessment in view of foreseeable harms arising from its design and use, and applied proportionate structural mitigation in response.
9. This distinguishes the present complaint in kind from a content-moderation or notice-and-takedown claim. The complainant does not allege, and

III. Statement of Facts

10. **The Southport disinformation episode (August 2024).** Following the murders in Southport, England, false claims that the perpetrator was a Muslim asylum seeker circulated widely on the Platform. A single account associated with the ensuing disinformation wave received in excess of five hundred and eighty million views. The episode is widely documented as a contributing factor to subsequent civil disorder.
11. **The January 2025 posts.** Approximately five months later, the Platform's majority shareholder and chief executive published a series of fifty-one posts over several days, reframing historical child sexual exploitation cases in the United Kingdom as a collective religious and ethnic indictment of British Pakistani Muslim men. Independent research subsequently found that these posts and the wider discourse they generated produced approximately 1.2 billion engagements and a total reach of 1.53 billion views. Analysis of a representative sample of posts from the peak period found that a majority promoted hatred against Muslims as a collective religious group, as distinct from addressing the specific criminal conduct of specific individuals.
12. **The absence of a documented mitigation response.** To the complainant's knowledge, the Platform has published no transparency report, risk assessment summary, or public disclosure documenting any specific mitigation measure — recommender system adjustment, down-ranking, content labeling, or enhanced review protocol — adopted in response to either episode. The only public enforcement outcome to date, the December 2025 fine, addressed advertising transparency obligations under separate provisions and did not purport to evaluate the Platform's Article 34/35 compliance.
13. **The significance of the source.** The complainant draws particular attention to the fact that the January 2025 posts originated from the Platform's own controlling shareholder and chief executive — an account the Platform's governance structure was uniquely positioned to review, contextualise, or subject to the same mitigation measures routinely applied to comparably viral content from other sources. The absence of any known differential or corrective governance response to content from this source, following a materially similar episode five months earlier, is directly relevant to whether the Platform's Article 35 mitigation measures were applied in a manner that was “reasonable, proportionate, and effective” as the provision requires.

IV. Grounds of Complaint

Ground One: Failure to conduct an adequate risk assessment under Article 34

14. The complainant submits that a good-faith risk assessment conducted after the August 2024 Southport episode would foreseeably have identified the risk of large-scale, algorithmically amplified anti-Muslim content originating from high-reach accounts — including the Platform's own leadership — as a specific, recurring systemic risk within the meaning of Article 34(1)(b) and (c). The recurrence of a materially similar pattern in January 2025, at greater scale, is evidence either that no adequate assessment was conducted, or that an assessment was conducted but its findings were not acted upon — either of which constitutes non-compliance with Article 34.

Ground Two: Failure to adopt reasonable, proportionate, and effective mitigation measures under Article 35

15. The complainant submits that the absence of any public evidence of a differentiated or corrective mitigation response — despite the scale of engagement, the identity of the source, and the foreseeability of the harm established by the preceding episode — indicates a failure to meet the Article 35 standard. The complainant does not ask the Commission to find that any specific content should have been removed. The complainant asks the Commission to examine whether the Platform's recommender systems and internal governance processes were adjusted, tested, or reinforced in response to the identified risk, and if not, why not.

Ground Three: The obligation is freestanding and not discharged by the December 2025 enforcement action

16. The complainant submits, for the avoidance of doubt, that the fine imposed in December 2025 addressed a distinct legal obligation (advertising repository transparency) and cannot be treated as having discharged, addressed, or precluded further examination of the Platform's separate obligations under Articles 34 and 35. The DSA's enforcement architecture permits, and in the complainant's submission requires, independent assessment of each distinct obligation.

V. Anticipated Objections and Response

17. **Objection: this complaint implicates protected freedom of expression.** Response: the complaint does not seek removal of any content, nor does it ask the Commission to adjudicate the lawfulness of any individual post. It asks the Commission to examine the Platform's systemic governance response to a foreseeable, large-scale, discriminatory-effect risk — a structural inquiry expressly contemplated by Articles 34 and 35, which apply irrespective of the lawfulness of any individual item of content and are designed to operate compatibly with freedom of expression under Article 11 of the Charter.
18. **Objection: causation between any specific post and downstream harm cannot be established.** Response: Article 34 does not require proof of specific causation between a given post and a specific harm. It requires an assessment of foreseeable risk arising from the platform's design and use, which the complainant submits is amply evidenced by the scale, recurrence, and pattern of the episodes described above.
19. **Objection: this duplicates the pending Article 20 investigation.** Response: the pending investigation by Coimisiún na Meán concerns user appeal rights in individual content-moderation decisions. This complaint concerns an entirely distinct obligation — systemic risk assessment and mitigation — and falls within the Commission's own, exclusive competence under Article 56(2) DSA.

VI. Relief Requested

20. The complainant respectfully requests that the Commission:
 - a. open a formal proceeding pursuant to Article 66 DSA to examine the Platform's compliance with Articles 34 and 35 in relation to the episodes

described above;

- b. exercise its power under Article 21 of Regulation (EU) 2022/2065's implementing framework, and its investigative powers under Articles 67–72 DSA, to request the Platform's internal risk assessment documentation, recommender-system adjustment logs, and any records of mitigation measures adopted (or considered and rejected) in relation to the August 2024 and January 2025 episodes;
- c. in the event that non-compliance is established, require the Platform to adopt specific, verifiable structural mitigation measures under Article 35(1), applied without differential treatment based on the identity or seniority of the posting account, and consider the imposition of periodic penalty payments and fines under Articles 74–76 DSA as appropriate; and
- d. confirm receipt of this complaint and indicate, at the Commission's discretion, the anticipated procedural next steps.

VII. Supporting Materials Available on Request

21. The complainant maintains supporting materials including the underlying independent research documenting engagement and reach figures referenced in this complaint, a chronological timeline of the relevant events, and copies of relevant public reporting. These are available on request to the Commission and will be provided in full upon opening of a formal file.
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Respectfully submitted,

Goran Kolouch Independent Researcher www.equalfaitheurope.org kolouch@equalfaitheurope.org 8 July 2026

This document is a legal complaint prepared for submission to a competent regulatory authority. It presents a legal argument for consideration and does not constitute a finding of liability, which rests solely with the European Commission or a competent court.

Declaration

This complaint is submitted by Goran Kolouch in his personal capacity as an Independent Researcher. It also forms part of the public-interest research that will be undertaken by the proposed Dutch foundation (stichting) EqualFaith Europe, currently being established. The foundation is not yet incorporated and is not the legal complainant. References to it are included solely for transparency.

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