


DIGITAL SERVICES ACT

The background of the image is the European Union flag, featuring a blue field with twelve yellow five-pointed stars arranged in a circle. The flag is slightly wrinkled, giving it a textured appearance.

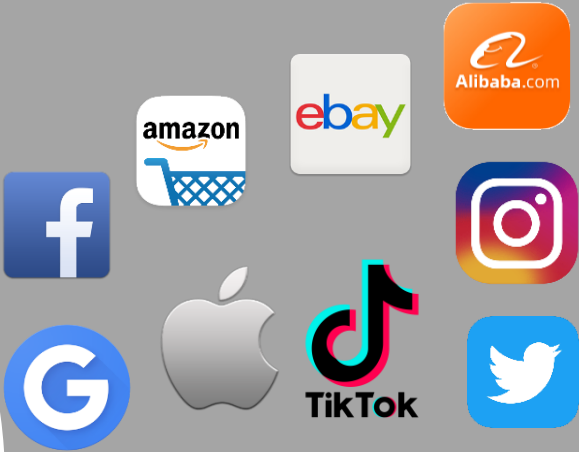
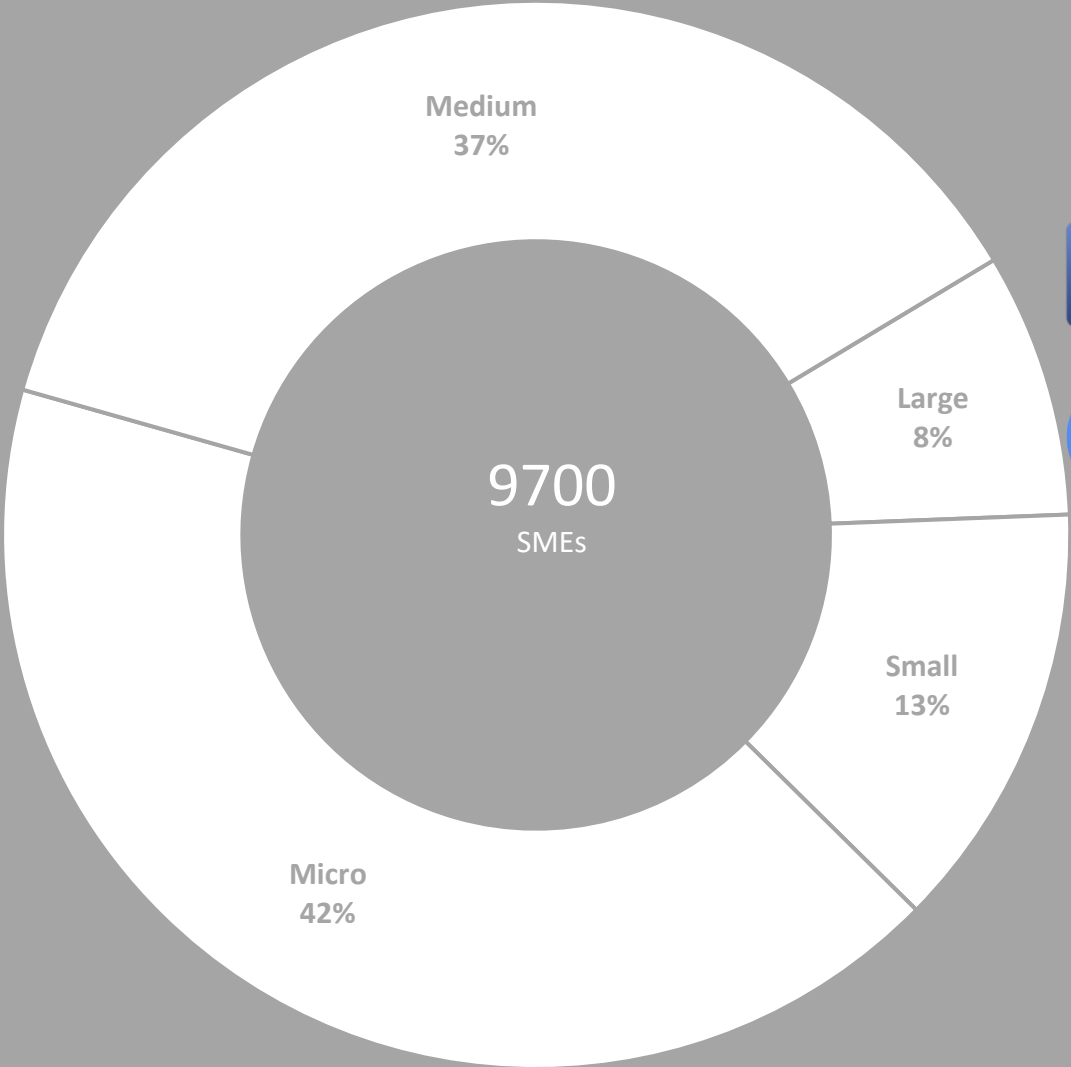
A single set of **rules** for the whole EU.

New landmark rules for online platforms in the EU.

Digital **Services** Act & Digital **Markets** Act

#DigitalServicesAct #DigitalMarketsAct #DigitalEU

OVER 10.000 PLATFORMS IN THE EU



With different economic power and societal impacts.

OBJECTIVES



1. to create a **safer digital space** in which the **fundamental rights** of all users of digital services are protected

One set of rules across the entire EU single market

Proportionate, asymmetric obligations

Exemptions for small and micro-enterprises

2. to establish a **level playing field** to foster **innovation, growth, and competitiveness**, both in the European Single Market and globally

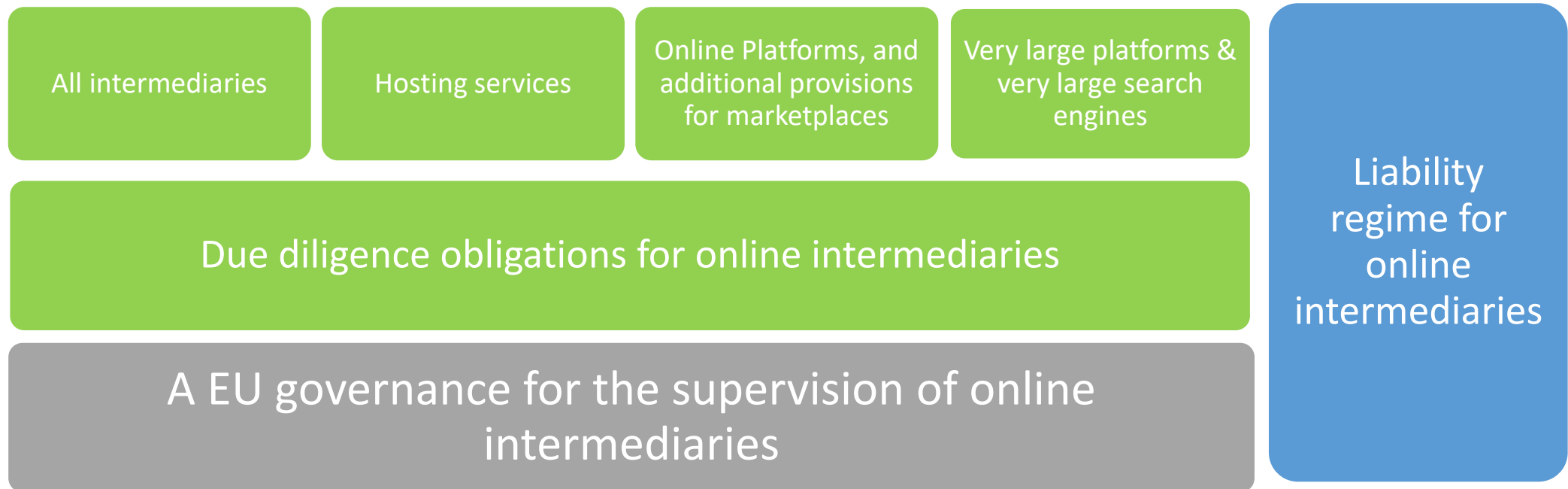
Tackling spread of illegal content, sale of non-complaint goods and services

Protecting fundamental rights online

Tackling societal concerns such as disinformation and child safety

The Digital Services Act building blocks

- Core architecture preserved:
 - targeted approach, proportionate to the risks and capability of the services in scope



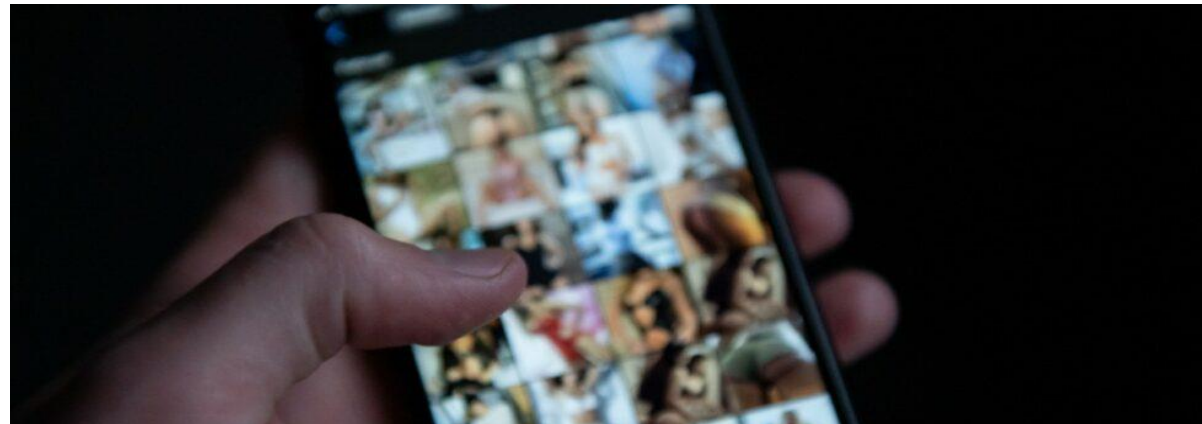
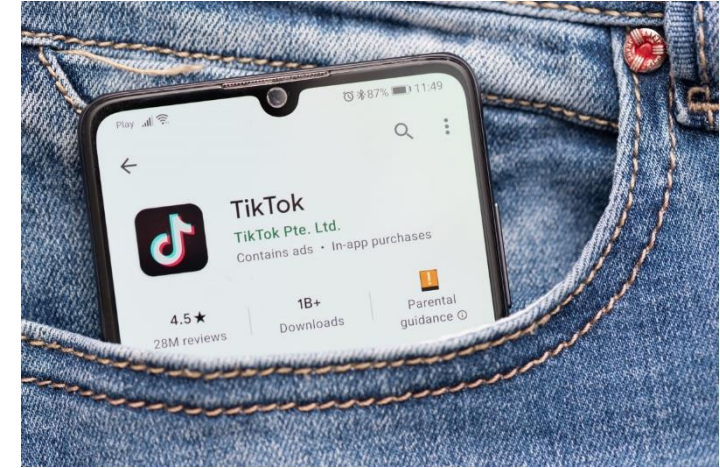
Where are we now?

- A shared sense of urgency among the EU Member States and the EU institutions.
 - Political agreement in record time.
 - European Parliament and Council already approved.
 - Fast entry into force.



Protection of children

- Strengthened protections and new provisions
 - Easily understandable terms of service for children
 - Online platforms accessible to minors obliged to take appropriate and proportionate measures to ensure the privacy, safety and security of minors
 - Restriction (i.e. ban) of presentation of advertising to minors (based on profiling)
 - Risk mitigation obligations for very large online platforms and very large online search engines



Systemic risks materialise

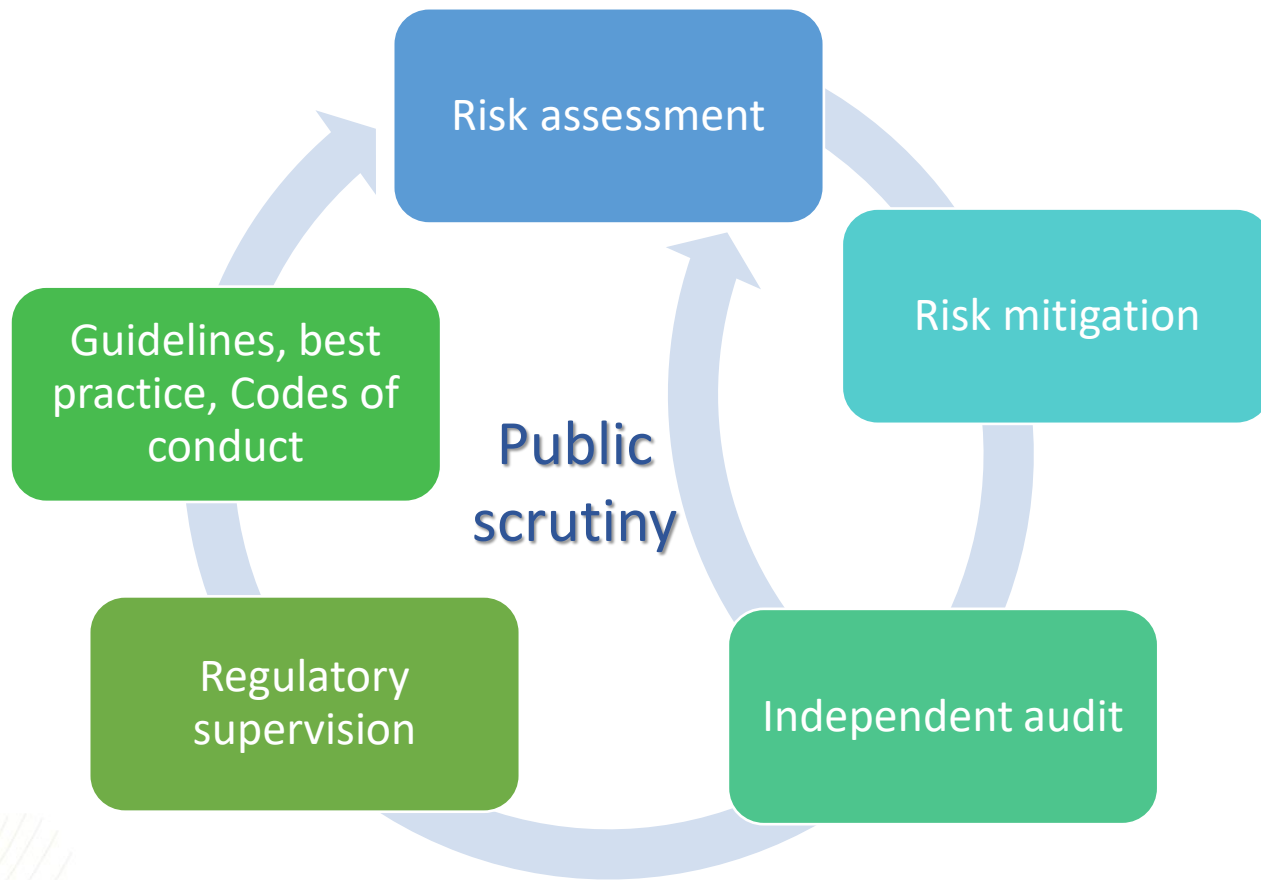


Capitol riots following the US election, 2021



Disinformation campaigns related to the war in Ukraine , 2022

Supervised risk management for very large online platforms and search engines



- Places societal risks and interests **at the top of the priorities** in the design of a platforms' systems
- Large platforms will have to analyse how their systems lead to risks for:
 - The **dissemination of illegal content, goods or services**
 - Negative effects on **fundamental rights**, not least freedom of expression and information
 - Negative effects on **civic discourse, elections, public health and other concerns** – for example through disinformation and information operations online
- Special focus on **platforms' algorithms**: risk assessments and independent audits.
- **Fast response in times of crisis**, such as the COVID-19 pandemic or the war in Ukraine



An ambitious and effective EU governance

Involvement/role of Member States

Commission's proposal

- Obligation of establishing independent DSCs
- Other competent authorities
- Commission “last resort” enforcement authority
- Board
- 50 FTEs for COM

Changes to the proposal

- Commission becoming a primary enforcement authority of systemic due diligence obligations for VLOPs/VLOSEs
- DSCs of establishment still competent for supervision and enforcement of other providers of intermediary services, including non-systemic issues for VLOPs/VLOSEs
- Role of Board preserved
- Supervisory fee
- Additional resources needs

Principles of DSA governance

- Ensuring appropriate supervisory and coordination function at national level
 - Digital Services Coordinator (DSCs) and other Competent Authorities
- Ensuring cooperative and consistent enforcement across-borders
 - European Board for Digital Services (Board)
- Ensuring strong and cooperative EU oversight
 - Primary role of Commission in supervision of VLOPs
 - Support of DSCs and Board

National level – DSCs and CAs

- DSA as horizontal framework
- Flexibility in allocation of competences BUT...
 - ...clear coordination function at national level (Digital Services Coordinator)
 - ...common independence requirements and harmonised powers
- Allocation of enforcement competences based on Country of Origin
 - Place of main establishment
 - Sole enforcer for non-VLOPs
 - Mutual assistance and cross-border cooperation tools (incl. joint investigation)
 - Supporting enforcement for VLOPs (investigations; non-systemic issues; vetting of researchers)

Obligations and powers of the Member States I.

- Designation of **Digital Services Coordinations**
 - Independent authorities
 - Obligations to ensure they are sufficiently equipped in terms of financial and human resources
 - Reflection of the size, complexity and impact of the online intermediaries falling within their competence
 - To enable them to carry out their powers and obligations

Obligations and powers of the Member States II.

- Exclusive competences for direct supervision and enforcement of **all obligations for all ISPs that are not VLOPs and VLOSEs**
- Competence in supervising and enforcing general obligations vis à vis VLOPs/VLOSEs where they do not raise systemic concerns (i.e. cases not taken over by COM)
- Dedicated role in
 - Certification of **out-of-court dispute settlement bodies** & drawing up reports on their functioning
 - Awarding the **trusted flagger status** & communication of their details to the COM and the Board
 - Awarding **status of vetted researchers**, information about receipt of the application to the COM and the Board

Obligations and powers of the Member States III.

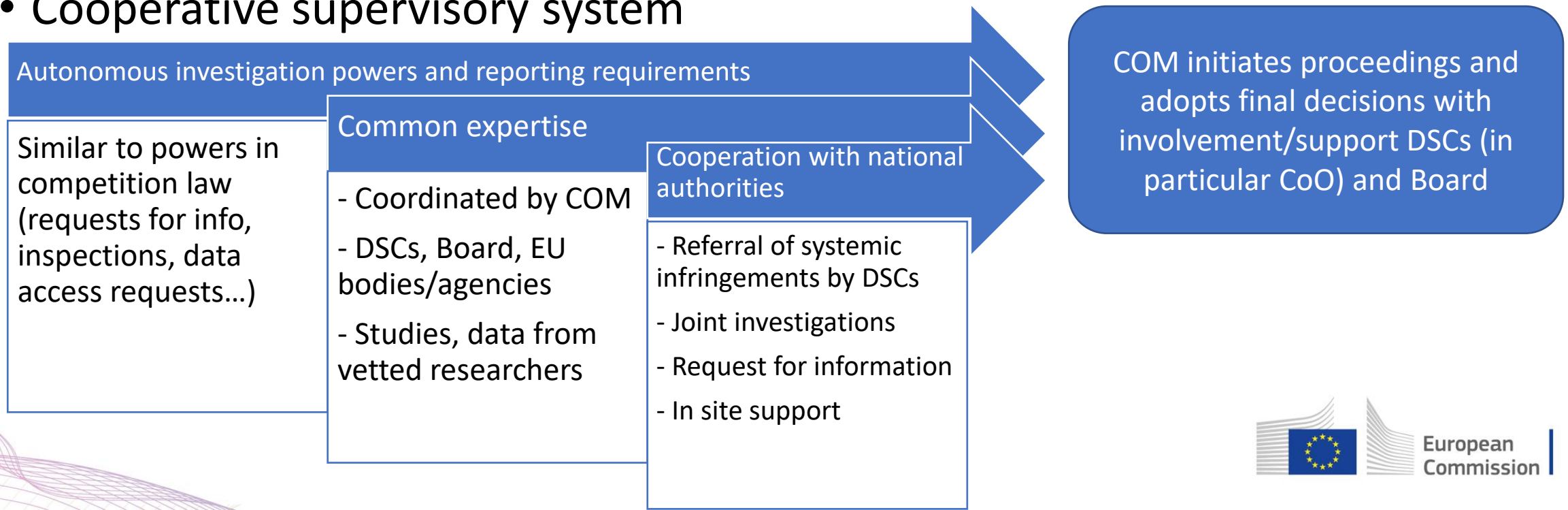
- Cooperation in terms of **mutual assistance** (Art. 44b) and **joint investigations** (Art. 46)
- **Coordination** with other national competent authorities → **effective cross-border co-operation**
- Annual **activity reports** → information about the
 - a/ complaints (Art. 43)
 - b/ orders (Art. 8 and 9)
- **Sharing expertise and capabilities** with the Commission

European level: Board

- Ad-hoc independent advisory group
 - Composed by DSCs (involvement of other CAs possible)
 - Chairman and adm. support from COM
- Advisory and initiative tasks
 - Standard and soft-law setting
 - Crisis mechanism
 - Dispute resolution/joint investigation
 - Opinion to COM decisions

European level: Commission

- Primary enforcer for VLOPs
 - Exclusive enforcer for «only-VLOPs» obligations
 - Shared but primary enforcer for other obligations, can take over from DSC
- Cooperative supervisory system





Any questions?