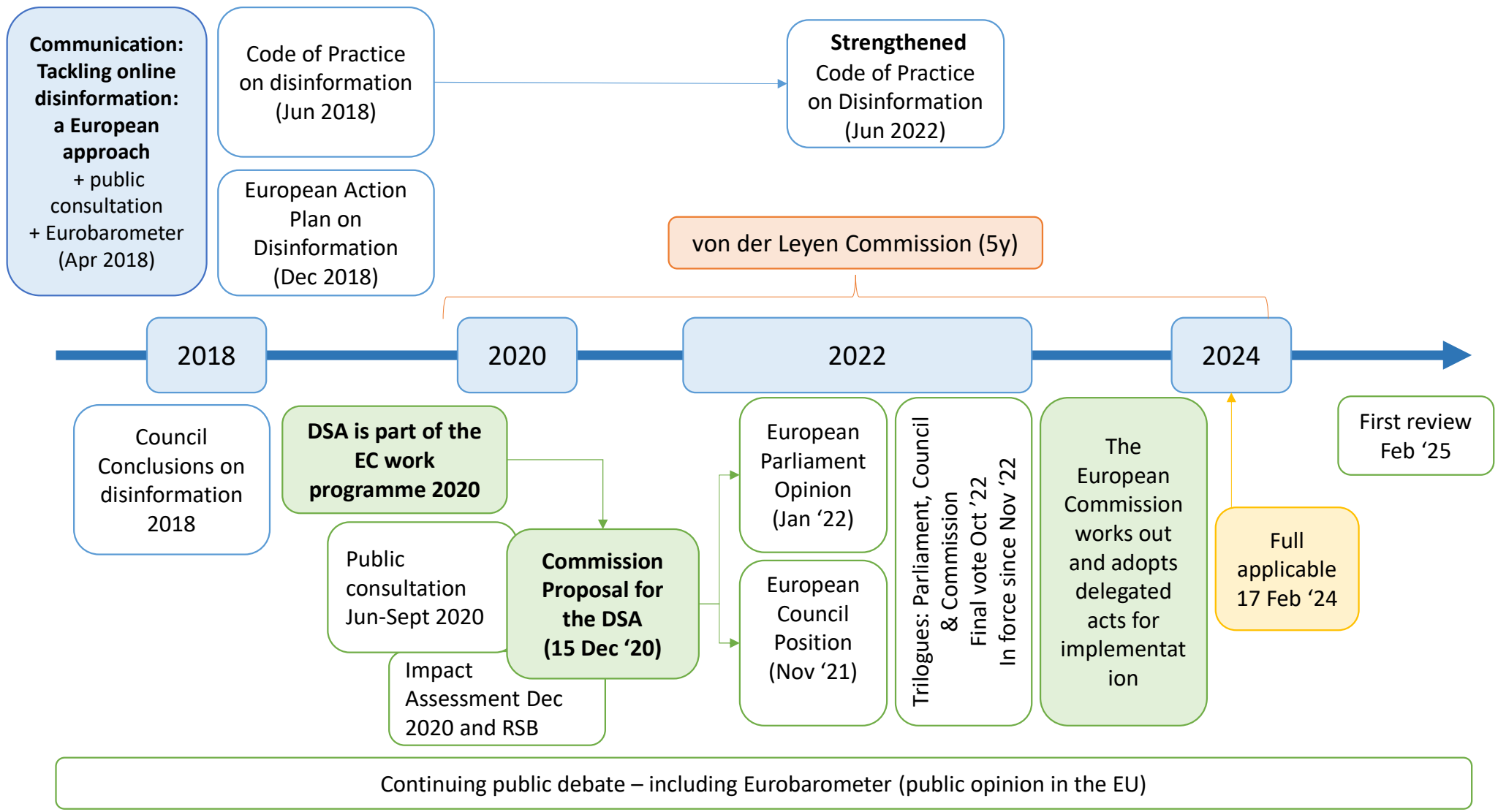


Digital Services Act (DSA)

- ❖ The **Digital Services Act** creates a safer digital space where the fundamental rights of users are protected and establishes a level playing field for businesses.
- ❖ It's a **framework** regulation: 93 articles, 102 pages and still requires lots of secondary legislation adopted by the European Commission (called **delegated acts**)
- ❖ **Classic example** of how the regulatory sausage is made.
- ❖ **Reviews**: Nov 2025, then Feb 2027 and from then on every 5 years
- ❖ In a **risk-based approach** it applies to all business, with higher obligations placed on the largest digital platforms.
- ❖ **It was proposed by the European Commission on 15 December 2020 and entered into force on November 16, 2022**

... but there is a story before and after ...



Communication: Tackling online disinformation: a European approach
+ public consultation
+ Eurobarometer (Apr 2018)

Code of Practice on disinformation (Jun 2018)

European Action Plan on Disinformation (Dec 2018)

Strengthened Code of Practice on Disinformation (Jun 2022)

von der Leyen Commission (5y)

2018

Council Conclusions on disinformation 2018

2020

DSA is part of the EC work programme 2020

Public consultation Jun-Sept 2020

Impact Assessment Dec 2020 and RSB

Commission Proposal for the DSA (15 Dec '20)

2022

European Parliament Opinion (Jan '22)

European Council Position (Nov '21)

Trilogues: Parliament, Council & Commission
Final vote Oct '22
In force since Nov '22

The European Commission works out and adopts delegated acts for implementation

2024

Full applicable 17 Feb '24

First review Feb '25

Continuing public debate – including Eurobarometer (public opinion in the EU)

New obligations	Intermediary services (cumulative obligations)	Hosting services (cumulative obligations)	Online platforms (cumulative obligations)	Very large platforms (cumulative obligations)
Transparency reporting	•	•	•	•
Requirements on terms of service due account of fundamental rights	•	•	•	•
Cooperation with national authorities following orders	•	•	•	•
Points of contact and, where necessary, legal representative	•	•	•	•
Notice and action and obligation to provide information to users		•	•	•
Reporting criminal offences		•	•	•
Complaint and redress mechanism and out of court dispute settlement			•	•
Trusted flaggers			•	•
Measures against abusive notices and counter-notices			•	•
Special obligations for marketplaces, e.g. vetting credentials of third party suppliers ("KYBC"), compliance by design, random checks			•	•
Bans on targeted adverts to children and those based on special characteristics of users			•	•
Transparency of recommender systems			•	•
User-facing transparency of online advertising			•	•
Risk management obligations and crisis response				•
External & independent auditing, internal compliance function and public accountability				•
User choice not to have recommendations based on profiling				•
Data sharing with authorities and researchers				•
Codes of conduct				•
Crisis response cooperation				•