



DIGITAL SERVICES ACT

The final text of the DSA, a new EU legislation that tackles illegal content online, was approved by the responsible committee in Parliament on 16 June 2022. Parliament is expected to vote on the text in a plenary session on 4/7 July. 20 days following the Council's approval in October/November, the text will come into force. 4 months following this, large platforms will have to comply with the text, while smaller platforms will have 15 months.

AIMS OF THE DIGITAL SERVICES ACT

Originally proposed in December 2020, the DSA was a response to an evolving digital reality. The e-Commerce Directive, introduced in 2000, served as the general framework for digital platforms. However, given the rapid shift in the digital landscape in the past 20 years, legislators believed it was an apt moment to provide an updated framework for digital platforms that aimed to create a safer online environment through:



Harmonising content moderation standards



Increasing transparency of digital platforms



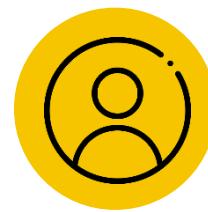
Tackling disinformation and "fake news"

SCOPE OF THE DIGITAL SERVICES ACT

Digital platforms will be expected to comply to a certain level of adherence according to their size and market share. Platforms with more than 45 million average monthly end users in the European Union (around 10% of the EU's 450 million consumers) will be subject to stricter regulations, and are referred to as Very Large Online Platforms (VLOPs). The Commission will be responsible for monitoring the adherence of VLOPs to the regulation, while Member States are responsible for monitoring the adherence of smaller platforms. The following services are in the scope:



Internet service providers, cloud services, search engines



Social media platforms, messaging apps, and app stores



Online marketplaces, online travel/accommodation platforms

OBLIGATIONS AND REGULATIONS UNDER THE DSA



Mandatory removal of illegal content



Random checks for online marketplaces to see if products are identified as illegal on a database



Transparency obligations for algorithms that recommend content



Ban on targeted advertising based on sensitive data or towards minors



"Notice and Action" obligations for removing illegal content



"Statement of reasons" in the event of a user losing access to a service or parts thereof.



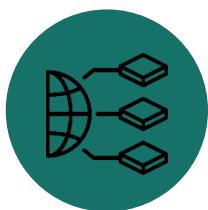
Ban on the use of "dark patterns"



Compensation mechanism for users in case of breach of rules

Note: small platforms will be exempt from most of these obligations

FURTHER OBLIGATIONS FOR VLOPs



The Act will introduce further obligations for VLOPs "given their systemic impact in facilitating public debate, economic transactions and the dissemination of information, opinions and ideas".

VLOPs will be required to perform regular audits to assess their risk in areas such as disinformation, manipulation of elections, harm to minors, or cyberviolence against women. Based off this, they must take mitigating measures.



VLOPs will face further obligations in algorithmic transparency, advertising transparency, and can be required to respond to a security/health crisis on their platforms.



TIMELINE

