



Implementation of the Digital Services Act

The well-anticipated Digital Services Act (“DSA”), i.e. EU Regulation 2022/2065, becomes applicable from 17.02.2024. The DSA is one of the two legislative instruments of the Digital Services Package, along with the Digital Markets Act (“DMA”), which were adopted by the European Parliament on 05.07.2022.

Whereas the DMA sets obligations for very large online platforms acting as “gatekeepers” in order to establish a fair, non-discriminatory, transparent and competitive online environment, the aim of the DSA is, by setting obligations for a variety of online platforms, to improve the protection of users on the internet with an emphasis on combating the trafficking of illegal content, misinformation, such as the publication of misleading advertisements or products that have resulted from deep fake processing, as well as the protection of minors. Furthermore, by virtue of the DSA, new rights are provided for users, including the right to file a complaint on the platform, to seek out-of-court dispute resolution, to file a complaint with their national authority in their language or to seek compensation for violations of the rules. Particular emphasis is given to the

so-called “very large online platforms”, such as social media and search engines, that pose particular risks regarding the dissemination of illegal content and may cause damage to the society.

For the purposes of the Act, online platforms are defined as the providers of hosting services which, at the request of users, store and disseminate to the public information, unless such activities are minor and purely ancillary to another service and, for objective and technical reasons cannot be used without that other service.

The measures adopted by virtue of the DSA include indicatively:

- i. new obligations for platforms to react quickly in case of online illegal content uploaded by their users;

- ii. traceability and audits on online marketplaces' sellers in order to safeguard consumers from illegal content as well as from the provision of unsafe products and services;
- iii. increased transparency and accountability of platforms. A significant example is the platforms' obligation to provide clear information on content moderation or the use of algorithms for recommending content;
- iv. prohibition on misleading practices and certain types of targeted advertising, including advertisements addressed to children or based on sensitive data;
- v. stricter measures imposed on very large online platforms and search engines (i.e. those which accommodate 45 million monthly users or more). Such measures include preventing systemic risks (such as the dissemination of illegal content, adverse effects on fundamental rights, gender-based violence or mental health) and being subject to independent audits. Furthermore, in the aforementioned platforms and search engines, users must have the choice not to receive recommendation based on profiling, while also such platforms will be obliged to facilitate access to their data and algorithms by authorities and authorised researchers.

The DSA is applicable from 17 February 2024; however, several provisions applicable to the very large online platforms are already in force.

On a national level, a draft bill has been submitted for approval by the Ministry of Digital Governance as regards the adoption of supplementary measures for the implementation of the DSA.

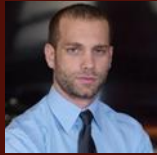
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