

# EU Digital Services Act (DSA)

Purpose	Obligation	All intermediaries	Hosting services	Online platforms	Very Large Online Platforms (VLOPs)
<p>The DSA aims to harmonise the regulation of intermediary services across the EU and improve online safety by:</p> <ul style="list-style-type: none"> <li>■ Mandating procedures for notification and removal of illegal content.</li> <li>■ Introducing transparency requirements.</li> <li>■ Introducing new user protection rules.</li> <li>■ Introducing a new oversight and enforcement regime.</li> </ul>	<p><b>Service providers caught by DSA</b></p>	<p>Services that transmit in a communication network information provided by a user, or provide access to a communication network, e.g. internet exchange points, VPNs, interpersonal communication services, content delivery networks, plus hosting services (see next column).</p>	<p>Intermediary services that store information provided by and at the request of a user, e.g. cloud computing and web hosting services, file sharing services, services enabling sharing content online.</p>	<p>Hosting services that store information provided by and at the request of a user, and disseminate the information to the public at the user's request (unless dissemination is a minor or purely ancillary feature), e.g. social networks, online marketplaces (but not, e.g. the comments section in a newspaper). Exceptions apply to SMEs.</p>	<p>Online platforms with over 45 million monthly active recipients in the EU that are designated a VLOP by the European Commission. Very large search engines are also regulated in a similar way but are not covered here.</p>
<p><b>Scope</b></p> <p>The DSA covers intermediary services offered to recipients of the service that have their place of establishment or are located in the EU, irrespective of the place of establishment of the service providers. Obligations are tiered such that progressively greater obligations apply to intermediaries that are hosting services, online platforms, and very large online platforms.</p>	<p><b>Illegal content obligations</b></p>	<ul style="list-style-type: none"> <li>■ Designate a single point of contact or, if no EU establishment, an EU legal representative.</li> <li>■ Act against specific illegal content, and provide information, upon order of national authorities.</li> <li>■ Set out content restrictions, policies and processes and processes in T&amp;Cs, and enforce T&amp;Cs diligently, objectively and proportionately.</li> </ul>	<p>Comply with obligations on all intermediaries, as well as:</p> <ul style="list-style-type: none"> <li>■ Have in place notice and action mechanisms for illegal content.</li> <li>■ Follow prescriptive requirements for communications with the notice submitter and content uploader, including giving specific reasons for content removal.</li> <li>■ Notify law enforcement of suspicion of criminal offences involving threat to life or safety of persons.</li> </ul>	<p>Comply with obligations of hosting services as well as:</p> <ul style="list-style-type: none"> <li>■ Provide an effective internal complaint-handling system for content moderation decisions and engage with certified out-of-court dispute settlement body.</li> <li>■ Give priority to notices from trusted flaggers.</li> <li>■ Suspend repeat uploaders of manifestly illegal content or submitters of manifestly unfounded notices.</li> </ul>	<p>Comply with obligations on online platforms, as well as:</p> <ul style="list-style-type: none"> <li>■ Conduct annual risk assessments on systemic risks stemming from the service.</li> <li>■ Put in place reasonable, proportionate and effective measures to mitigate risks.</li> <li>■ Submit to annual independent audits.</li> <li>■ Provide requested data to authorities and researchers.</li> <li>■ Establish a compliance function.</li> <li>■ Cooperate with authorities' crisis response measures.</li> </ul>
<p><b>Application</b></p> <p>The DSA came into force on 16 November 2022. The bulk of obligations have applied since 17 February 2024. Obligations on very large online platforms (VLOPs) apply 4 months after designation.</p>	<p><b>Transparency obligations</b></p>	<p>Report on:</p> <ul style="list-style-type: none"> <li>■ Number of orders received from authorities and actions taken.</li> <li>■ Information regarding content moderation, including use of automated means.</li> <li>■ Number of complaints received.</li> </ul>	<p>Report on matters reported by all intermediaries, as well as:</p> <ul style="list-style-type: none"> <li>■ Notices submitted by recipients and trusted flaggers, action taken, on what basis, within what timeframe, and whether using automated means.</li> </ul>	<p>Report on matters reported by hosting services, as well as:</p> <ul style="list-style-type: none"> <li>■ Complaints received through the internal complaint handling system, or submitted to out-of-court settlement, and their outcomes</li> <li>■ Information regarding user suspensions.</li> <li>■ Average monthly active recipients in the EU (every six months).</li> <li>■ Main parameters used in recommender systems and options to modify them.</li> </ul>	<p>Report on matters reported by online platforms, as well as:</p> <ul style="list-style-type: none"> <li>■ Enhanced information regarding advertisements and advertisers.</li> <li>■ Enhanced information regarding human content moderation functions.</li> <li>■ Risk assessments, risk mitigation measures and audit reports.</li> <li>■ Average monthly active recipients in each Member State.</li> </ul>
	<p><b>User protection obligations</b></p>	<p>N/A</p>	<p>N/A</p>	<ul style="list-style-type: none"> <li>■ Avoid "dark patterns" in design and operation of online interfaces.</li> <li>■ Provide disclosures in relation to advertising</li> <li>■ Ensure a high level of privacy, safety, and security of minors.</li> <li>■ Conduct KYC checks on traders that conclude distance contracts with consumers on the platform, design interfaces to allow traders to comply with obligations towards consumers, and inform consumers on awareness of illegal products/services.</li> </ul>	<p>Comply with obligations on online platforms, as well as:</p> <ul style="list-style-type: none"> <li>■ Provide option for recommender systems not based on user profiling.</li> </ul>