

EU Institutions nearing formal Digital Services Act approval: implementation concerns remain

This week, the European Parliament's Internal Market Committee and the Council's Committee of Permanent Representatives have approved the provisional text of the Digital Services Act (DSA). Ecommerce Europe overall welcomes the agreement that has been reached and believes it will help make the internet safer and more transparent.

Luca Cassetti, Secretary General of Ecommerce Europe commented: *"We applaud the European Institutions for their speedy work on the Digital Services Act and believe the more up-to-date and harmonised framework will help reduce illegal content online. At the same time, we recognise that the text has changed significantly since the initial proposal presented by the Commission, and many new obligations have been added. Thus, following the formal adoption of the DSA, an immense task will be placed with businesses to adapt their operations. We urge both the Commission and Member States to facilitate a smooth implementation by providing sufficient time and clarity on certain key concepts and rules."*

Ecommerce Europe remains concerned about the proposed definition of a 'recipient of the service' and the suggested timeline for the implementation of the rules for Very Large Online Platforms (VLOPs). We welcome that the Commission is empowered to supplement the provisions of the DSA by adopting delegating acts laying down the methodology to determine the active recipients of an online platform. We strongly encourage the Commission to make use of this opportunity to reflect the nature of e-commerce business models in the methodology and involve industry stakeholders in this process.

In addition, we foresee some practical issues with regards to the early implementation for VLOPs and the role of Digital Service Coordinators (DSCs). DSCs will have a significant role (e.g., to designate ADR services and Trusted Flaggers, to appoint vetted researchers and assess their applications for access to data from VLOPs...), but they will not yet be established on time and therefore cannot carry out these functions early. We ask Member States and the Commission to address this concern to ensure that compliance is not at risk.

Ecommerce Europe will continue to support the work undertaken by the Commission and Member States on a successful delivery and implementation of the DSA.

END

Press contact Ecommerce Europe

Luca Cassetti

Secretary General

Tel: +32 2 502 31 34

Email: lucacassetti@ecommerce-europe.eu