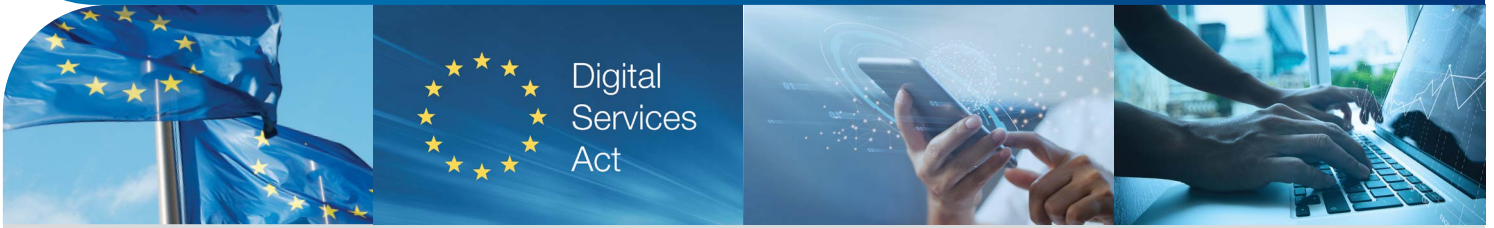


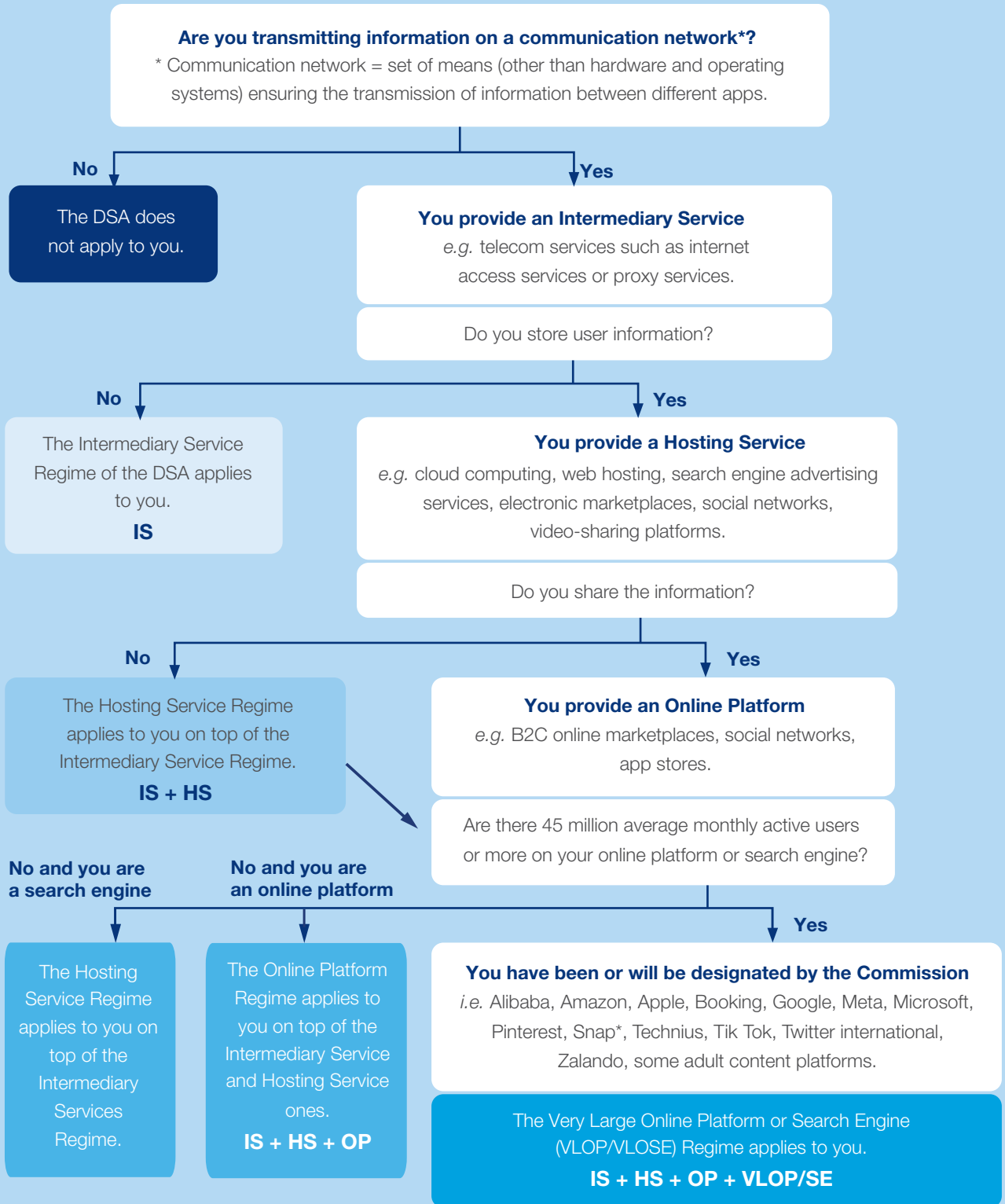
February 2024

# The Digital Services Act

## Are you impacted and how?



# 1. Who is concerned?



## 2. What are the drastic changes?

### The DSA establishes:

- No general monitoring obligation of transmitted and/or stored information; but,
- A set of obligations ensuring content moderation effectiveness toward Intermediary Services.

## 3. What are the practical implications?

The following obligations apply, among others, with gradual intensity to all providers (IS, HS\*, OP\*\*, VLOP/VLOSE\*\*\*):

DSA obligations	Practical implications	New skills required
<p><b>Communication with users</b></p> <ul style="list-style-type: none"> <li>• <b>HS:</b> notification of illegal content mechanisms for users.</li> <li>• <b>OP:</b> dispute resolution mechanisms, special treatment of “trusted flaggers”**** notifications.</li> </ul> <p><b>Content monitoring</b></p> <ul style="list-style-type: none"> <li>• <b>IS:</b> restrictive measures on illegal content or incompatible content with the Terms &amp; Conditions (T&amp;C).</li> <li>• <b>HS:</b> notification to public authorities of suspicions of criminal offence with a threat to life/safety of a person.</li> <li>• <b>VLOP/VLOSE:</b> assessment and mitigation of risks induced by the service.</li> </ul> <p><b>Transparency obligations</b></p> <ul style="list-style-type: none"> <li>• <b>IS:</b> reports on implementation measures (particularly when using AI technology), on recommend and advertising systems, on risk assessment.</li> <li>• <b>OP:</b> traceability of traders (when it is relevant), information of users when they have bought an illegal product.</li> </ul>	<p><b>Identification of the scope of illegal content</b></p> <ul style="list-style-type: none"> <li>• <b>HS:</b> with regards to the entirety of EU’s and Member States’ law.</li> </ul> <p><b>Implementation of monitoring processes</b></p> <ul style="list-style-type: none"> <li>• <b>IS:</b> production of recurring reports.</li> <li>• <b>HS:</b> assessment of notifications from users.</li> <li>• <b>OP:</b> assessment of notifications from trusted flaggers on top of those from users.</li> </ul> <p><b>Modification of T&amp;C</b></p> <ul style="list-style-type: none"> <li>• <b>IS:</b> inclusion of content moderation related restrictions and some implementation results.</li> <li>• <b>VLOP/VLOSE:</b> layout of the main elements in an easily readable summary.</li> </ul> <p><b>Modification of online interface</b></p> <ul style="list-style-type: none"> <li>• <b>OP:</b> modification of information display (design &amp; content).</li> <li>• <b>HS:</b> introduction of notification, mechanism intended for users.</li> </ul>	<p><b>Advisory and implementing services</b></p> <ul style="list-style-type: none"> <li>• Identification of the scope of illegal content - legal advice.</li> <li>• Implementation of monitoring processes - legal advice, IT.</li> <li>• Explanation of the content moderation process - legal advice.</li> <li>• Modification of T&amp;C - legal advice, marketing.</li> <li>• Modification of online interface - legal advice, IT, Marketing.</li> </ul> <p><b>Mandatory points of contact</b></p> <ul style="list-style-type: none"> <li>• With authorities.</li> <li>• With users.</li> </ul> <p><b>Legal representative</b></p> <p>Mandatory when the providers are not established in the Union, but offer services in the Union.</p>

\* IS obligations also apply to HSs.

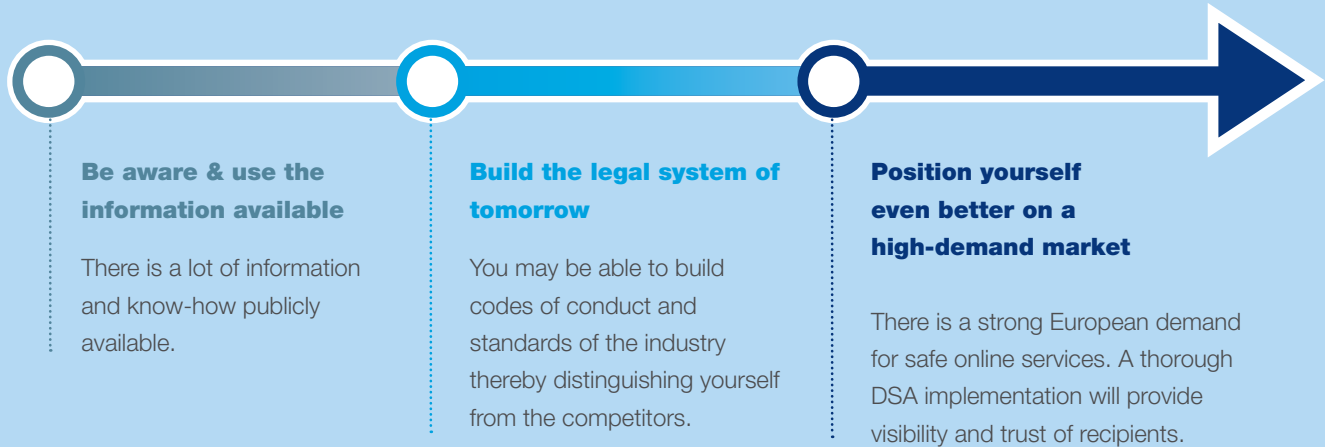
\*\* IS and HS obligations also apply to OPs.

\*\*\* IS, HS, OP obligations also apply to VLOPs. IS, HS obligations also apply to VLOSEs.

\*\*\*\* Trusted flaggers = persons designated by the public authorities for their skills and experience.

## 4. What are the opportunities?

*"Every disadvantage has its advantage" – Johan Cruyff*



### What are the timelines

**02/17/2024** – Obligations and liability regimes apply to all IS / HP / OP / VLOP / VLOSE.

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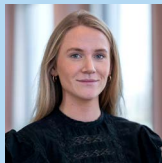
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