



Council of the European Union
General Secretariat

Brussels, 14 July 2022

**Interinstitutional files:
2020/0361 (COD)**

WK 10343/2022 INIT

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MEETING DOCUMENT

From: European Commission Services
To: Delegations

Subject: Presentation from the Commission: Digital Services Act

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European
Commission

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DIGITAL SERVICES ACT

Council Working Party on Competitiveness
and Growth (Internal Market)

14 July 2022

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Getting ready for the DSA

Roadmap: entry into force, designation, application

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2022

2023

2024

Jul Aug Sep Oct Nov Dec Jan Feb Mar April May Jun Jul Aug Sep Oct Nov Dec Jan Feb Mar Apr

Adoption by the EP and the Council

Publication in the OJ, entry into force

Entry into application for VLOPs/VLOSEs

Designation decision VLOPs/VLOSEs

Application of obligations to VLOPs and VLOSEs

Application for the DSA for all ISPs and for the MS

Reporting on user numbers

Obligations and powers of the Member States

- Designation of **Digital Services Coordinators**
- Exclusive and direct supervision and enforcement of **non-systematic obligations** and **all ISPs that are not VLOPs and VLOSEs**
- Competence in supervising and enforcing general obligations vis à vis VLOPs/VLOSEs where they do not raise systemic concerns (i.e. cases not taken over by COM)
- Dedicated role in e.g. awarding **the trusted flaggers status or status of vetted researchers**
- Cooperation: **mutual assistance** (Art. 44b) and **joint investigations** (Art. 46)
→ support to COM
- **Coordination** with other national CAs → **effective cross-border co-operation**

European Board for Digital Services

- **Advisory group** composed from independent DSCs
- Will **advise and assist** DSCs and Commission and **recommend actions** in e.g. crisis response mechanism or in relation to oversight and enforcement
- Commission to provide a Secretariat
- Human resources and expertise of the Commission and of the national authorities

Commission's obligations and powers

- Exclusive enforcer of the **systemic obligations of VLOPs and VLOSEs**
- **Advises on cross-border disputes**
- **Intervenes** following the **request of the DSC**
- Adopts **implemented** and **delegated acts**
- Encourages and facilitate **Codes of Conducts, in cooperation with the Board**
- Establishes and maintains the **information sharing system**

Implementing and delegated acts I.

Implementing acts	Delegated acts
(Facultative) Procedural Regulation	(Mandatory) Supervisory fee methodology
(Mandatory) Annual supervisory fee (Art. 33b)	(Mandatory) Access to data for researchers (Art. 31)
(Mandatory) Information sharing system (art. 67)	(Facultative) Methodology on counting users (Art. 25(3))
(Facultative) Transparency reports template (Art. 13 & 23)	(Facultative) Independent external audits (Art. 28)
	(Conditional) Adjustment of number of users (Art. 25(2))

Implementing and delegated acts II.

- **Role of the Member States:**

- **The Board** shall be consulted on adoption of the delegated acts, e. g. :
 - methodology for calculating the number of average monthly active recipients in the Union (Art. 25(3));
 - technical conditions under which providers of VLOPs are to share data (Art. 31(5))
- **Committee** assisting the Commission with implementing acts (Art. 70)
- **Consultation of MS experts** in accordance with the Interinstitutional Agreement before adoption of a delegated act (Art. 69 (4))

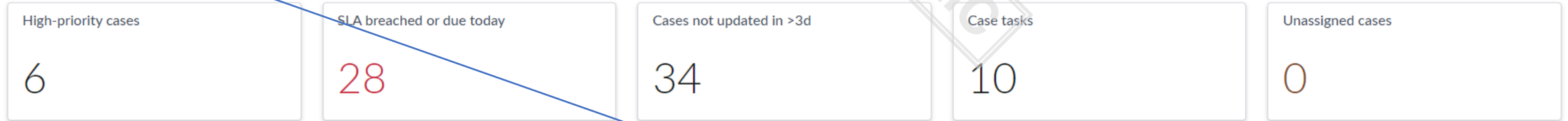
Information sharing system (Art. 67)

- Establishment and maintenance of a **reliable and secure** information sharing system
- Support of the communication between DSCs, the Commission and the Board, and possibly with the CAs
- IT environment should be easy to use, seamless, and enable real-time cooperation
 - **Critical for success** of the cooperation between the MS and with the COM
- Costs of the IT system can be partly financed by the fee
- **Timeline:** prototypes (2022) → minimum viable product (2023) → full system operational (2024)

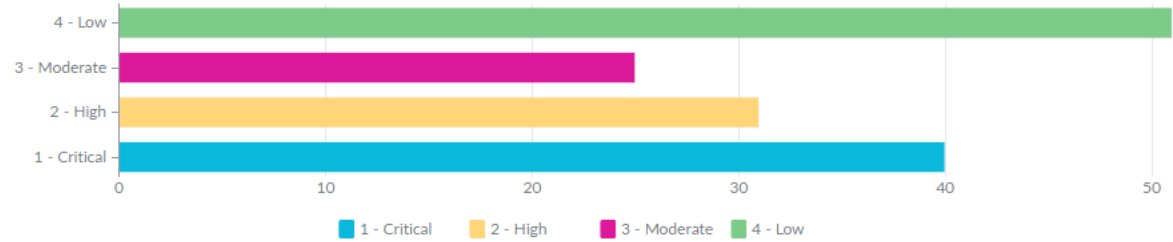
Prototype example. DSC dashboard

Important items

Check these metrics to see the most important items to work on.



Your team cases by priority



Relevant statistics for the user
(e.g. deadlines not met, priority cases, ...)

Cases

Track your active cases and the cases your team is working on.

Active cases assigned to the user

My active cases 5

Last refreshed just now.

Number	Case Category	Short description	Account	Priority	State	Due date	Updated
CS0020076	Product compliance	Test 120722	(empty)	4 - Low	Resolved		12/07/2022 10:55:27
CS0020071	Product compliance	Illegal toys on Platform XYZ_110722	(empty)	4 - Low	Resolved		11/07/2022 10:19:09
CS0020069	Product compliance	Illegal toys on Platform XYZ_080722	(empty)	2 - High	New		08/07/2022 16:50:03
CS0020068	Product compliance	Illegal toys on Platform XYZ_0807	(empty)	2 - High	New		08/07/2022 16:37:16

Prototype example. Case details

The screenshot shows a web application interface for case management. At the top, there is a navigation bar with a home icon, a breadcrumb trail 'Home > CS0020071 > Details', and a search bar. The main title of the case is 'Illegal toys on Platform XYZ_110722'. Below the title, there are tabs for 'Details', 'Tasks', 'Emails', and 'Child Cases'. The 'Details' tab is active, showing a form for case information. The form includes fields for 'Short description', 'Description', 'State' (Resolved), 'Assignment group' (Belgium DSC), 'Priority' (4 - Low), 'Assigned to' (John Jason), 'Case Type' (New Investigation), 'Work notes list', 'Case Category' (Product compliance), 'Related Case', 'Case Type' (New Investigation), 'CPS' (Issue), and 'Due date'. To the right of the form is a 'Compose' section for adding comments, with a 'Post Comments' button. Below the compose section is an 'Activity' feed showing recent updates, including field changes and attachments. On the far right, there is a 'Next Best Actions' panel with three suggested actions: 'Request Translation', 'Request to take action', and 'Change Assignment Group'. Annotations with arrows point to various parts of the interface: 'Initiator Details' points to the case title, 'Details of the case' points to the form fields, 'Activity related to the case (e.g. messages between DSCs, EC, board)' points to the activity feed, and 'Suggested actions to complete the case' points to the 'Next Best Actions' panel. A 'PUBLIC' watermark is visible in the background.

Home CS0020071 x +

Details

Illegal toys on Platform XYZ_110722

Save Create Work Order Open Case ...

Details Tasks Emails Child Cases

Case

Short description
Illegal toys on Platform XYZ_110722

Description
A Luxembourgish consumer organization completed a mystery shopping exercise and found out that Platform XYZ-a locally successful online marketplace selling to Luxembourg but established around Spa (Belgium)-was full of illegal toys, as also reported in a freely available database of illegal toys circulating in the EU.

State
Resolved

Assignment group
Belgium DSC

Priority
4 - Low

Assigned to
John Jason

Case Type *
New Investigation

Work notes list

Case Category *
Product compliance

Related Case

CPS
Issue

Major case state
-- None --

Due date
DD/MM/YYYY HH:mm:ss

Compose

Comments Work notes (Private)

Type your Comments here

Everyone can see this comment

Post Comments

Activity

John Jason
Field changes • 11/07/2022 10:19:09
Resolution notes Start investigation was *Empty*
State Resolved was *Open*

John Jason
Attachment • 11/07/2022 10:17:52
Platform XYZ_illegal toys remedy_test file 2.docx
11.3 KB

John Jason
Attachment • 11/07/2022 10:17:13
Platform XYZ_illegal toys evidence_test file 1.docx
11.3 KB

Next Best Actions

Guidance New
Request Translation
Have the document(s) translated by eTranslation in the selected language.
Recommended Yesterday

Guidance New
Request to take action
Request to take action by DSC
Recommended Yesterday

Guidance New
Change Assignment Group
Recommended Yesterday

Initiator Details

Details of the case

Activity related to the case (e.g. messages between DSCs, EC, board)

Suggested actions to complete the case



Exchange on your
and the
Commission's
early
preparedness to
the DSA

Internal organisation I.

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- Internal **organisation of DG CNECT**: changes to be confirmed in the coming weeks
- **100+ staff** working on the enforcement of the rules
- Building on the **existing capacities** and **technical experiences** with enforcement of internal market rules
- Sharing of the expertise and capabilities with the DSCs, incl. human resources/secondment of MS experts

Internal organisation II.

- **Dedicated teams** will be organised around thematic domains/aspects, to cover also DMA-related practices and enforcement:
 - societal
 - technical
 - economic
- **DSA team** will deal with individual parts of the regulation: e.g. aspects related to transparency, risk management framework and audits, advertising, or other enforcement related tasks, including Board Secretariat
- Close cooperation of DSA and DMA teams

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Thank you for your attention