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Council of the European Union
General Secretariat

Brussels, 16 June 2023

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NOTE

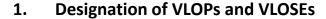|	
From:	European Commission
To:	Working Party on Competitiveness and Growth (Internal Market - Attachés)
	Working Party on Competitiveness and Growth (Internal Market)
Subject:	Digital Services Act
	- Presentation by the Commission services

DIGITAL SERVICES ACT

Council Working Party on Competitiveness and Growth (Internal Market)
16 June 2023

European Commission

Commission's Priorities

1. **Designation of VLOPs and VLOSEs**

2. **Ensuring the necessary clarity from the offset of the application of the rules**
   - Secondary legislation in priority areas and Q&As
   - Readiness meetings with designated VLOPs and VLOSEs - voluntary exercises

3. **Building supervisory capacity**
   - We have set up the European Centre for Algorithmic Transparency (ECAT)
   - Cooperating with partners in the Member States – e.g. PEReN
   - Considering a series of partnerships through Memoranda of Understanding with other competent authorities that can offer expertise in specific fields
   - Expanding internal competence
   - Expanding on external competence and consultations – e.g. DSA Conference June 2023

4. **Supporting MS in getting ready for 17 February 2024 and building the governance mechanisms**

From September onwards:
- The Commission will supervise how VLOPs and VLOSEs comply with the DSA.
- Powers include:
  - Investigatory and supervisory powers
  - Monitoring actions
  - Sanctions and remedies

Designation of VLOPs and VLOSEs

- COM guidance for user counting methodology as of 1 February 2023
- Platforms published user numbers on 17 February 2023 + every 6 months
- 1st designations of VLOPs and VLOSEs by Commission on 25 April 2023
- At least 45 million monthly active users
- Continuous monitoring

17 Very large online platforms (VLOPs)

- AliExpress
- Amazon Store
- Apple AppStore
- Booking.com
- Facebook
- Google Play
- Google Maps
- Google Shopping
- Instagram

- LinkedIn
- Pinterest
- Snapchat
- TikTok
- Twitter
- Wikipedia
- YouTube
- Zalando

2 Very large online search engines (VLOSEs)

- Bing
- Google Search

Secondary Legislation

Implementing act – Procedural Regulation

- Planning: adoption planned before the summer break

Fees

- Delegated Regulation adopted
- 1st fees by end 2023

Audits

- Public feedback just closed – 44 contributions
- Planning: adoption before the summer break

Data access for researchers

- Call for evidence just closed
  - 133 total inputs: 43 research institutions, 29 NGOs, 4 VLOPs, 3 National Authorities
- Public feedback early 2024
- Planning for adoption: Spring 2024, after establishment of the Board
- Access to publicly available data – within 4 months from designation!

Transparency reporting

- Implementing act: Templates for the reports that platforms have to publish related to content moderation
- Planning: working towards end of 2023

The Road Ahead

November 2022 Entry into force

17 February 2023 Publication of number of active users

25 April 2023 First designations

Sep 2023 Obligations for VLOPs and VLOSEs enter into force. Must carry out & report 1st risk assessment

17 February 2024 DSC appointments, Board & application of all provisions

Sep-Oct 2024 Latest date for full risk management cycle, including audits

New risk cycle starts

Risk management yearly cycle

Member States Preparations

- **Timely designation of DSCs remains critically important for DSA applicability**

- Most MS communicated a concrete legislative **timeline** for their DSC designation until **17 February 2024**.

- **The expected DSCs**
  - Converged / combined media and telecommunications authority: **2 MS**
  - Media authority: **5 MS**
  - Telecommunications authority: **13 MS**
  - Competition and Consumer authority: **5 MS**
  - New Agency: **1 MS**
  - No decision yet**: 1 MS**

- Certain MS already identified their **competent authorities**. Others are either not planning to designate any or are still deliberating on the matter.

Member State Roundtable, 26 June 2023

- Informal, hybrid meeting with Member States and their authorities
- Continuation of COM/MS collaboration with a focus on future members of the European Board for Digital Services

Agenda:

- Presentation of the Commission on the current DSA preparations

- Updates by the Member States on
  - The current state of play regarding their authorities' independence and resources
  - Any remaining issues or concerns for the DSA implementation

DSA Stakeholder Event, 27 June 2023

- The Square, Brussels
- **Opportunity to provide input** to the Commission and to network.
- **2 plenary sessions and 14 workshops**, addressing topics such as:
  - gender-based violence, online marketplaces, mental well-being, privacy, and data science.
  - hate and extremism, intellectual property rights, protection of minors, global implications of the DSA, and data access for researchers.
  - freedom of expression and media pluralism, dark patterns and advertising, disinformation, as well as risk assessments and algorithms.
- 500 in-person participants + web streaming of the whole event

Time					
8.00	Registration				
9.00-9.30 30'	Plenary Welcome speech				
9.30-10.20 50'	Panel "Is social media taking a toll on young people's well-being and how should platforms tackle the issue?"				
10.20-10.50	Coffee, networking				
10.50-12.10 80'	"Is the EU doing enough to tackle gender-based and cyber violence?"	"Online marketplaces in the DSA - making shopping online safer"	"Mental wellbeing and the use of online platforms - friend and foe? Implications for the DSA"	"EU rules on Data Protection, Privacy & the DSA – interplay, challenges, opportunities"	"Using data science to enforce the Digital Services Act"
12.10-13.10	Lunch				
13.10-14.30 80'	"Countering and preventing hate and extremism in the DSA-era: challenges and new possibilities"	"Protecting intellectual property on online services"	"Keeping children safe online"	"What are the implications of the EU's new social media rules for the rest of the world?"	"Data access for researchers – opportunities, capacities and needs "
14.30-15.00	Coffee, networking				
15.00-16.20 80'	"Bringing the DSA to reality: how to preserve freedom of expression and freedom and pluralism of the media on online platforms"	"How interface design affects user choices: dark patterns and advertising		"Safeguarding democracy from online disinformation"	"Conducting DSA risk assessments - algorithms in the spotlight!"
16.20-16.35	Break to switch to plenary				
16.35-17.35 60'	Plenary Speech by Swedish Presidency Panel "Tackling Online Disinformation: A Democratic Model for the Internet Age?", moderated by Renate Nikolay, Deputy Director General DG CONNECT				

EU-US Trade and Technology Council

- **<u>Working Group 5 on Data Governance and Platforms</u>**
  - High priority - only WG hosted by White House (NSC/NEC)
  - On-going regulatory dialogue on platform regulation (DSA & DMA)
  - Declaration for the Future of the Internet borne out of WG5, work continues (next step: IGF 2023 sessions, jointly with EU, US, Japan and Kenya)
  - June Ministerial: **Principles on the Protection of Minors and Data Access for Researchers**
    - Strong alignment, builds on EU-US alignment on platform regulation
    - **Minors**: focus on empowerment, ban of profiling for ads & need for research
    - **Data access**: researchers key part of whole-of-society, risk-based approach
  - Move to implementation of the Principles for Ministerial Q2 2024

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Thank you for your attention!