

The Digital Services Act Package

The EU Commission has published its long-awaited draft proposals for the Digital Services Act (DSA) and Digital Markets Act (DMA). The DSA, alongside the DMA, is part of the EU Commission's digital strategy aiming to reinforce the single market for digital services and to create a more level playing field for digital businesses of all sizes across the EU.

Spotlight on the Digital Services Act (DSA)

The draft DSA aims to update the E-Commerce Directive and sets out new and revised rules regarding the responsibility of online platforms (social networks, search engines, online marketplaces etc.) for risks to users, such as illegal goods, illegal content and misinformation.

Among other things, the draft proposals include:

- A detailed set of rules on tackling illegal third party content through a harmonized Notice and Action mechanism
- A new regulatory framework for targeted advertising
- Additional obligations for large platforms that have more than 45 million monthly active users in the EU
- Severe penalties for digital service providers who fail to comply with the new regulations

Spotlight on the Digital Markets Act (DMA)

The draft proposals impose a series of ex ante behavioural rules for digital platforms designated by the European Commission as 'gatekeepers' in the context of one or more 'core platform services'. It builds on the existing [P2B Regulation](#).

Among other things, the draft proposals include:

- Constraints on data accumulation
- A ban on the tying of software applications
- Restrictions on 'gatekeepers' treating their own offerings more favourably

The Commission's enforcement action is expected to be intense, with ten on-site investigations per year and an additional 80 full time staff.

Impact

The legislation will draw significant interest from a wide range of players, given the scope of services affected and the fact the rules are intended to cover all digital services, whether or not based in the EU.

How we can help

The package will certainly be controversial and we will be tracking developments closely. We can help you work out the impact on your business.

What we offer

- Holistic legal advice
- Impact measurements and audits
- Strategy development and implementation
- Bespoke analysis and solutions
- Guidelines and templates
- Navigating changes
- Continuous updates

Our experience

From leading technology companies, online marketplaces, social networks and cloud service providers, our cross-practice and multi-jurisdictional team has a proven track record in advising on digital regulations in the EU.



DSA

Advising a leading global online player on all aspects of the DSA.



Competition and Privacy law

Advising a major technology company on a formal complaint in relation to how competition law should respond to privacy related matters.



P2B Regulation

Advising a global technology company in relation to implementation of the P2B Regulation.



DSM/AVMS Directive

Advising a technology company in relation to implementation of the DSM/AVMS Directive.



Fake News

Advising several companies in relation to the implementation of the French so-called “Fake News law”.



Online marketplace liability

Defending an online marketplace against allegations of intermediary liability.



‘Online Harms’ framework and the DSA

Advising a global online marketplace on the potential impact of the UK’s proposed new ‘Online Harms’ framework and the DSA, especially post-Brexit.



Liability as a hosting provider

Advising a global content provider on hosting provider liability and content regulation across 10 jurisdictions.



Self-preferencing

Acting for a global technology company in relation to allegations of self-preferencing on its platform.



Online hate speech

Advising a technology company and a hosting provider in relation to various bills aimed at preventing online hate speech.

Our taskforce

We have a dedicated **multi-jurisdictional** global taskforce closely tracking the progress of the Digital Services Act and Digital Markets Act including our technology regulation and policy, intellectual property, consumer and contracts, data protection and competition lawyers.

Please contact us if you would like more information about the DSA and DMA. **We are happy to help and work with you.**

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