

EU Digital Services Package

Digital Services Act

Ensure a safe and proper functioning of the Digital Single Market

Digital Markets Act

Ensure fair, contestable and open markets for digital services

Scope

Intermediary Services

Online Platforms

Online Marketplaces 

Content Sharing 

Social Networks 

App Stores 

Very Large Online Platforms (VLOPs):
Specific rules for platforms reaching
10% of 450 million consumers in Europe

Cloud
Services 

Web
Hosting 

Core Platform Services

- Online intermediation
- Online search engines
- Social networks
- Video-sharing platforms
- Messaging services
- Operating systems
- Cloud computing

Gatekeeper Criteria

- Strong economic position: significant impact on internal market and active in multiple EU countries
- Important gateway: strong intermediation position
- Durable position and impact in the market

Other Market Features

- Entry barriers derived from network effects and data driven advantages
- Scale and scope effects the provider benefits from, including with regard to data
- Business user or end user lock-in effects

DSA

- Builds upon the principles of the E-commerce directive
- Introduces tailor-made provisions for online marketplaces
- Provides for a high standard of transparency for users
- Changes public supervision of online advertising run by VLOPs
- Proportionate obligations depending on the size of the provider
- A new enforcement mechanism e.g. Digital Services Coordinator

Key Elements

- Designated 'gatekeepers' to comply with prohibitions & obligations
- Clearly defined and circumscribed practices deemed as unfair
- Limited exemptions, e.g. public security and public health
- Compliance to be ensured within 6 months following designation
- Obligations apply to core platform services that meet the conditions
- Enforcement and governance, e.g. new investigative powers and digital advisory committees

DMA

Estimated Timeline

Portuguese Presidency H1 2021

- Q1 Selection of Parliament rapporteurs
- Q1 Parliament Hearings & public expert panels
- Q2 Presentation of Committees' draft reports, 1st round of amendments
- Q2 Opinions draft reports
- Q2 Council working groups & possible 1st Presidency (partial) compromises

Slovenian Presidency H2 2021

- Q3 Compromise amendments in Parliament Committees
- Q3 Further Presidency compromise texts
- Q4 Vote in responsible Parliament Committees
- Q4 Possible Council General Approach

French Presidency H1 2022

- Q1 Opening of Trilogues
- Q2- Q3 Final political negotiations and final agreement

Czech Presidency H2 2022

- Q4 Publication in the Official Journal and entry into force

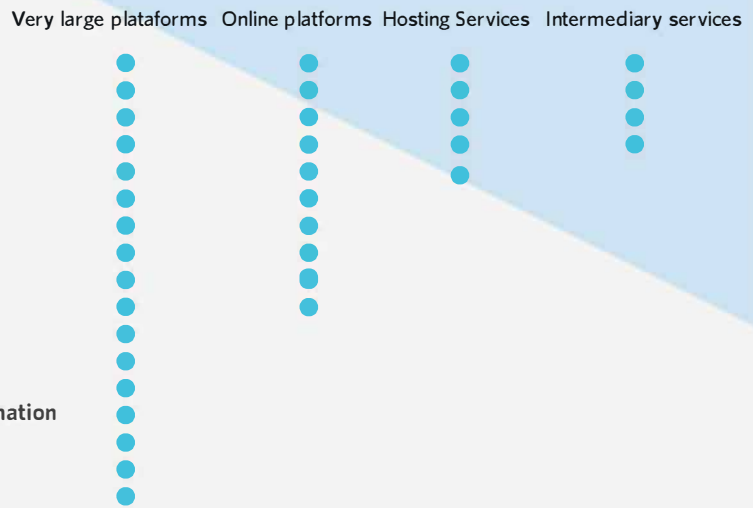
Entering into force:

- **DSA** 20 days following its publication in the OJ
- **DMA** 6 months following its publication in the OJ



DSA Obligations Tiering

- Transparency reporting
- Requirements on terms of service due account of fundamental rights
- Cooperation with national authorities following orders
- Points of contact and, where necessary, legal representative
- Notice and action and obligation to provide information to users
- Complaint and redress mechanism and out of court dispute settlement
- Trusted flaggers
- Measures against abusive notices and counter-notices
- Vetting credentials of third party suppliers ("KYBC")
- User-facing transparency of online advertising
- Reporting criminal offences
- Risk management obligations and compliance officer
- External risk auditing and public accountability
- Transparency of recommender systems and user choice for access to information
- Data sharing with authorities and researchers
- Codes of conduct
- Crisis response cooperation



DMA Do's and Don'ts

Examples of Do's:

- ✓ Must allow the installation & use of third-party software application stores that are interoperable with gatekeeper's core platform services.
- ✓ Allowing end users to continue accessing or using the relevant service through relevant eco-systems.
- ✓ Cannot treat own services more favourably in ranking services (e.g. in search algorithms), must provide such ranking services on a non-discriminatory basis.

Examples of Don'ts:

- ✗ Combining personal data from their core platform services with data from other sources (including other services offered by gatekeepers)
- ✗ Restricting business users from contracting with end users outside of the gatekeepers' eco-systems
- ✗ Requiring business users to use, offer or interoperate with any identification service of the gatekeeper in the context of providing its services via relevant gatekeeper's core platform services.

DSA

Hot Topics

DMA

Content: Illegal vs Harmful	Scope	Know Your Business Customer
Notice & Action Good Samaritan & Trusted Flaggers	Digital advertising targeting	Supervision, cross-border cooperation & fines

Scope Designation of gatekeepers	List of Do's & Don'ts	Market investigation & interim measures
Enforcement and monitoring powers	Supervisory framework	Fines, penalties, behavioural & structural remedies

Political dynamics that will shape outcomes

Commission Dynamics



Thierry Breton
Internal Market



Margrethe Vestager
A Europe Fit for the Digital Age



Didier Reynders
Justice

Parliament Dynamics

Multiple committees involved in an already fragmented EP



Anna Cavazzini (Greens)
Chair IMCO



Irene Tinagli (S&D)
Chair ECON



Adrián Vázquez Lázara (RE)
Chair JURI



Cristian-Silviu Buşoi (EPP)
Chair ITRE



Christel Schaldemose (S&D)
IMCO Rapporteur DSA



Andreas Schwab (EPP)
IMCO Rapporteur DMA

National elections 2021-2022



Consistency with national regimes



Geopolitical tensions



Other files

- Antitrust Cases
- Trade
- Digital Services Tax
- State Aid
- EU Data strategy

COVID-19 Winners vs losers

