The Digital Services Act package

The Digital Services Act and Digital Markets Act aim to create a safer digital space where the fundamental rights of users are protected and to establish a level playing field for businesses.

The European Commission proposed two legislative initiatives to upgrade rules governing digital services in the EU: the Digital Services Act (DSA) and the Digital Markets Act (DMA). The Commission made the proposals in December 2020 and on 25 March 2022 a political agreement was reached on the Digital Markets Act, and on 23 April 2022 on the Digital Services Act.

Together they form a single set of new rules that will be applicable across the whole EU to create a safer and more open digital space.

The DSA and DMA have two main goals:

1. to create a safer digital space in which the fundamental rights of all users of digital services are protected;
2. to establish a level playing field to foster innovation, growth, and competitiveness, both in the European Single Market and globally.

What are Digital Services?

Digital services include a large category of online services, from simple websites to internet infrastructure services and online platforms.

The rules specified in the DSA primarily concern online intermediaries and platforms. For example, online marketplaces, social networks, content-sharing platforms, app stores, and online travel and accommodation platforms.

The Digital Markets Act includes rules that govern gatekeeper online platforms. Gatekeeper platforms are digital platforms with a systemic role in the internal market that function as bottlenecks between businesses and consumers for important digital services. Some of these services are also covered in the Digital Services Act, but for different reasons and with different types of provisions.

Why do we need new rules?

The rapid and widespread development of digital services has been at the heart of the digital changes that impact our lives. Many new ways to communicate, shop or access information online have appeared, and they are constantly evolving. We need to ensure that European legislation evolves with them.

Online platforms have created significant benefits for consumers and innovation, and helped the European Union’s internal market become more efficient. They have also facilitated cross-border
trading within and outside the Union. This has opened new opportunities to a variety of European businesses and traders by facilitating their expansion and access to new markets.

While there is a broad consensus on the benefits of this transformation, the problems arising have numerous consequences for our society and economy. A core concern is the trade and exchange of illegal goods, services and content online. Online services are also being misused by manipulative algorithmic systems to amplify the spread of disinformation, and for other harmful purposes. These new challenges and the way platforms address them have a significant impact on fundamental rights online.

Despite a range of targeted, sector-specific interventions at EU-level, there are still significant gaps and legal burdens to address.

The accelerating digitalisation of society and the economy has created a situation where a few large platforms control important ecosystems in the digital economy. They have emerged as gatekeepers in digital markets, with the power to act as private rule-makers. These rules sometimes result in unfair conditions for businesses using these platforms and less choice for consumers.

With these developments in mind, Europe requires a modern legal framework that ensures the safety of users online, establishes governance with the protection of fundamental rights at its forefront, and maintains fair and open online platform environment.

What was the process up to now and how were stakeholders involved?

The Commission consulted a wide range of stakeholders in preparation of this legislative package. These stakeholders included the private sector, users of digital services, civil society organisations, national authorities, academia, the technical community, international organisations and the general public. An array of complementary consultation steps were also carried out to fully capture stakeholder views on issues related to digital services and platforms.

The Commission consulted stakeholders to further support its work in this area during the summer of 2020. The evidence was used to identify specific issues that may require EU-level intervention in the context of the DSA and the DMA. European and non-European citizens and organisations were welcome to contribute to this consultation.

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Next steps

Following the adoption of the Digital Services Package in the first reading by the European Parliament in July 2022, both the Digital Services Act and Digital Markets Act have been adopted by the Council of the European Union, signed by the Presidents of both institutions and published in the Official Journal. The DMA entered into force on 1 November 2022, and the DSA will enter into force on 16 November 2022.

The DSA will be directly applicable across the EU and will apply fifteen months or from 1 January 2024, whichever comes later, after entry into force. As regards the obligations for very large online platforms and very large online search engines, the DSA will apply from an earlier date, that is four months after their designation.
As of 12 October 2022, the DMA was published in the Official Journal. The DMA has now entered into force, and it will become applicable six months later. The designated gatekeepers will have a maximum of six months after the designation decision by the Commission to ensure compliance with the obligations laid down in the Digital Markets Act.

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- Impact assessment of the proposal for the Digital Markets Act
- Summary Report on the open public consultation of the Digital Services Act Package
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