

Contents

Foreword	V
List of Authors	XI
Bibliography	XIII
Abbreviations	XVII

REGULATION (EU) 2022/2065 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act)

Introduction	1
--------------------	---

CHAPTER I GENERAL PROVISIONS

Article 1	Subject matter	24
Article 2	Scope	38
Article 3	Definitions	57

CHAPTER II LIABILITY OF PROVIDERS OF INTERMEDIARY SERVICES

Preliminary remarks on Art. 4 et seqq.	101
Article 4 ‘Mere conduit’	138
Article 5 ‘Caching’	149
Article 6 Hosting	158
Article 7 Voluntary own-initiative investigations and legal compliance	184
Article 8 No general monitoring or active fact-finding obligations	193
Article 9 Orders to act against illegal content	204
Article 10 Orders to provide information	221

CHAPTER III DUE DILIGENCE OBLIGATIONS FOR A TRANSPARENT AND SAFE ONLINE ENVIRONMENT

Preliminary remarks Art. 11 et seqq.	229
---	-----

SECTION 1 Provisions applicable to all providers of intermediary services

Article 11	Points of contact for Member States’ authorities, the Commission and the Board	246
Article 12	Points of contact for recipients of the service	254
Article 13	Legal representatives	262
Article 14	Terms and conditions	270
Article 15	Transparency reporting obligations for providers of intermediary services	311

SECTION 2 Additional provisions applicable to providers of hosting services, including online platforms

Article 16	Notice and action mechanisms	321
Article 17	Statement of reasons	355
Article 18	Notification of suspicions of criminal offences	372

Contents

SECTION 3

Additional provisions applicable to providers of online platforms

Article 19	Exclusion for micro and small enterprises	387
Article 20	Internal complaint-handling system	391
Article 21	Out-of-court dispute settlement	414
Article 22	Trusted flaggers	449
Article 23	Measures and protection against misuse	470
Article 24	Transparency reporting obligations for providers of online platforms	492
Article 25	Online interface design and organisation	499
Article 26	Advertising on online platforms	528
Article 27	Recommender system transparency	554
Article 28	Online protection of minors	572

SECTION 4

Additional provisions applicable to providers of online platforms allowing consumers to conclude distance contracts with traders

Preliminary remarks on Art. 29 et seqq.		581
Article 29	Exclusion for micro and small enterprises	587
Article 30	Traceability of traders	591
Article 31	Compliance by design	604
Article 32	Right to information	612

SECTION 5

Additional obligations for providers of very large online platforms and of very large online search engines to manage systemic risks

Preliminary remarks Art. 33 et seqq.		620
Article 33	Very large online platforms and very large online search engines	629
Article 34	Risk assessment	643
Article 35	Mitigation of risks	680
Article 36	Crisis response mechanism	701
Article 37	Independent audit	710
Article 38	Recommender systems	727
Article 39	Additional online advertising transparency	732
Article 40	Data access and scrutiny	744
Article 41	Compliance function	766
Article 42	Transparency reporting obligations	783
Article 43	Supervisory fee	795

SECTION 6

Other provisions concerning due diligence obligations

Preliminary remarks Art. 44 et seqq.	803
Article 44 Standards	809
Article 45 Codes of conduct	817
Article 46 Codes of conduct for online advertising	827
Article 47 Codes of conduct for accessibility	832
Article 48 Crisis protocols	835

CHAPTER IV

IMPLEMENTATION, COOPERATION, PENALTIES AND ENFORCEMENT

SECTION 1

Competent authorities and national Digital Services Coordinators

Preliminary remarks on Art. 49 et seqq.		843
Article 49	Competent authorities and Digital Services Coordinators	859
Article 50	Requirements for Digital Services Coordinators	883
Article 51	Powers of Digital Services Coordinators	897
Article 52	Penalties	925
Article 53	Right to lodge a complaint	931

Article 54	Compensation	947
Article 55	Activity reports	966

SECTION 2

Competences, coordinated investigation and consistency mechanisms

Preliminary remarks Art. 56 et seqq., 61 et seqq.		972
Article 56	Competences	989
Article 57	Mutual assistance	1003
Article 58	Cross-border cooperation among Digital Services Coordinators	1011
Article 59	Referral to the Commission	1024
Article 60	Joint investigations	1034

SECTION 3

European Board for Digital Services

Article 61	European Board for Digital Services	1044
Article 62	Structure of the Board	1049
Article 63	Tasks of the Board	1058

SECTION 4

Supervision, investigation, enforcement and monitoring in respect of providers of very large online platforms and of very large online search engines

Preliminary remarks on Art. 64 et seqq.	1072
Article 64 Development of expertise and capabilities	1078
Article 65 Enforcement of obligations of providers of very large online platforms and of very large online search engines	1080
Article 66 Initiation of proceedings by the Commission and cooperation in investigation ...	1084
Article 67 Requests for information	1091
Article 68 Power to take interviews and statements	1103
Article 69 Power to conduct inspections	1107
Article 70 Interim measures	1121
Article 71 Commitments	1126
Article 72 Monitoring actions	1130
Article 73 Non-compliance	1135
Article 74 Fines	1140
Article 75 Enhanced supervision of remedies to address infringements of obligations laid down in Section 5 of Chapter III	1153
Article 76 Periodic penalty payments	1161
Article 77 Limitation period for the imposition of penalties	1166
Article 78 Limitation period for the enforcement of penalties	1170
Article 79 Right to be heard and access to the file	1173
Article 80 Publication of decisions	1180
Article 81 Review by the Court of Justice of the European Union	1182
Article 82 Requests for access restrictions and cooperation with national courts	1184
Article 83 Implementing acts relating to Commission intervention	1191

SECTION 5

Common provisions on enforcement

Article 84	Professional secrecy	1192
Article 85	Information sharing system	1200
Article 86	Representation	1205

SECTION 6

Delegated and implementing acts

Article 87	Exercise of the delegation	1212
Article 88	Committee procedure	1213

Contents

CHAPTER V
FINAL PROVISIONS

Article 89 Amendments to Directive 2000/31/EC 1214

Article 90 Amendment to Directive (EU) 2020/1828 1215

Article 91 Review 1216

Article 92 Anticipated application to providers of very large online platforms and of very large online search engines 1219

Article 93 Entry into force and application 1220

Index 1223