Contents

Abbreviations, Acronyms, and Short-Form Legal References	xv
Table of Cases and Opinions	xxi
Table of Legislation and Other Official Documents	xxix
Introduction: Origins and Objectives of the DSA	1
CHAPTER I GENERAL PROVISIONS	13
Article 1 Subject matter	14
Article 2 Scope	20
Article 3 Definitions	30
CHAPTER II LIABILITY OF PROVIDERS OF INTERMEDIAR	Y
SERVICES	49
Article 4 'Mere conduit'	57
Article 5 'Caching'	63
Article 6 Hosting	69
Article 7 Voluntary own-initiative investigations and legal compliance	80
Article 8 No general monitoring or active fact-finding obligations	84
Article 9 Orders to act against illegal content	93
Article 10 Orders to provide information	101
CHAPTER III DUE DILIGENCE OBLIGATIONS FOR A	
TRANSPARENT AND SAFE ONLINE ENVIRONMENT	107
SECTION 1 PROVISIONS APPLICABLE TO ALL PROVIDERS OF	
INTERMEDIARY SERVICES	108
Article 11 Points of contact for Member States' authorities, the Commission	11 11 11 11 11
and the Board	109
Article 12 Points of contact for recipients of the service	112
Article 13 Legal representatives Article 14 Terms and conditions	114 118
Article 15 Transparency reporting obligations for providers of intermediary service	
SECTION 2 ADDITIONAL PROVISIONS APPLICABLE TO PROVIDER	S OF
HOSTING SERVICES, INCLUDING ONLINE PLATFORMS	131
Article 16 Notice and action mechanisms	132
Article 17 Statement of reasons	145
Article 18 Notification of suspicions of criminal offences	153

xii Contents

SECTION 3 ADDITIONAL PROVISIONS APPLICABLE TO PROVIDERS OF	
ONLINE PLATFORMS	160
Article 19 Exclusion for micro and small enterprises	161
Article 20 Internal complaint-handling system	164
Article 21 Out-of-court dispute settlement	171
Article 22 Trusted flaggers	183
Article 23 Measures and protection against misuse	191
Article 24 Transparency reporting obligations for providers of online platforms	195
Article 25 Online interface design and organisation	200
Article 26 Advertising on online platforms	204
Article 27 Recommender system transparency	212
Article 28 Online protection of minors	218
SECTION 4 ADDITIONAL PROVISIONS APPLICABLE TO PROVIDERS	
OF ONLINE PLATFORMS ALLOWING CONSUMERS TO CONCLUDE	
DISTANCE CONTRACTS WITH TRADERS	222
Article 29 Exclusion for micro and small enterprises	227
Article 30 Traceability of traders	229
Article 31 Compliance by design	236
Article 32 Right to information	241
SECTION 5 ADDITIONAL OBLIGATIONS FOR PROVIDERS OF VERY	
LARGE ONLINE PLATFORMS AND OF VERY LARGE ONLINE SEARCH	
ENGINES TO MANAGE SYSTEMIC RISKS	244
Article 33 Very large online platforms and very large online search engines	246
Article 34 Risk assessment	256
Article 35 Mitigation of risks	265
Article 36 Crisis response mechanism	274
Article 37 Independent audit	283
Article 38 Recommender systems	291
Article 39 Additional online advertising transparency	293
Article 40 Data access and scrutiny	297
Article 41 Compliance function	308
Article 42 Transparency reporting obligations	313
Article 43 Supervisory fee	318
SECTION 6 OTHER PROVISIONS CONCERNING DUE DILIGENCE	
OBLIGATIONS	323
Article 44 Standards	324
Article 45 Codes of conduct	326
Article 46 Codes of conduct for online advertising	333
Article 47 Codes of conduct for accessibility	335
Article 48 Crisis protocols	337
CHAPTER IV IMPLEMENTATION, COOPERATION,	
PENALTIES AND ENFORCEMENT	343
SECTION 1 COMPETENT AUTHORITIES AND NATIONAL DIGITAL	
SERVICES COORDINATORS	344
Article 49 Competent authorities and Digital Services Coordinators	345
THE LEVEL TY COMPLETED WHILE THE PARTY OF THE CONTRACTOR	0.47

	Contents	xiii
Article 50	Requirements for Digital Services Coordinators	350
	Powers of Digital Services Coordinators	357
Article 52		365
	Right to lodge a complaint	368
	Compensation	370
	Activity reports	372
Titlete))	rictivity reports	3/2
SECTION	2 COMPETENCES, COORDINATED INVESTIGATION AND	
CONSIST	TENCY MECHANISMS	373
Article 56	Competences	375
	Mutual assistance	386
Article 58	Cross-border cooperation among Digital Services Coordinators	393
	Referral to the Commission	400
	Joint investigations	408
SECTION	N 3 EUROPEAN BOARD FOR DIGITAL SERVICES	415
	European Board for Digital Services	416
Article 62	Structure of the Board	419
Article 63	Tasks of the Board	423
SECTION	4 SUPERVISION, INVESTIGATION, ENFORCEMENT AND	
MONITO	ORING IN RESPECT OF PROVIDERS OF VERY LARGE ONLINE	
PLATFOR	RMS AND OF VERY LARGE ONLINE SEARCH ENGINES	429
Article 64	Development of expertise and capabilities	430
	Enforcement of obligations of providers of very large online platforms and	
1 . 1	of very large online search engines	432
Article 66	Initiation of proceedings by the Commission and cooperation in	10-
	investigation	435
	Requests for information	438
	Power to take interviews and statements	445
	Power to conduct inspections	448
	Interim measures	457
	Commitments	461
	Monitoring actions	465
	Non-compliance	467
Article 74		469
Article 75	Enhanced supervision of remedies to address infringements of obligations laid down in Section 5 of Chapter III	475
Article 76	Periodic penalty payments	478
	Limitation periods for the imposition of penalties	481
	Limitation periods for the imposition of penalties Limitation periods for the enforcement of penalties	
		483
	Right to be heard and access to the file Publication of decisions	485
		489
	Review by the Court of Justice of the European Union	492
	Requests for access restrictions and cooperation with national courts	494
Article 83	Implementing acts relating to Commission intervention	498
SECTION	5 COMMON PROVISIONS ON ENFORCEMENT	499
Article 84	Professional secrecy	500
Article 85	Information sharing system	503
Article 86	Representation	505

Contents

SECTION 6 DELEGATED AND IMPLEMENTING ACTS	507
Article 87 Exercise of the delegation	509
Article 88 Committee procedure	511
CHAPTER V FINAL PROVISIONS	513
Article 89 Amendments to Directive 2000/31/EC	514
Article 90 Amendment to Directive (EU) 2020/1828	515
Article 91 Review	516
Article 92 Anticipated application to providers of very large online platforms and	l of
very large online search engines	518
Article 93 Entry into force and application	520
Conclusion	522
Bibliography	533
Index	541