



Digital Services Act  
Cross-jurisdictional overview on the  
national implementation of the DSA

February 2024 – First Edition

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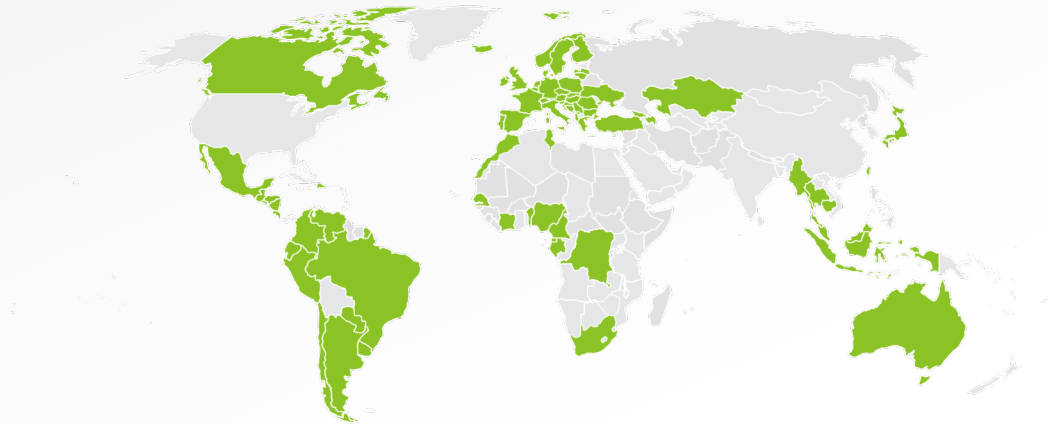
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# DSA Overview

## Introduction to the DSA

### What is the DSA?

The (EU) Digital Services Act (DSA) harmonizes the rules applicable to intermediary services with the objective of ensuring a safe, predictable and trusted online environment, and aims to address the dissemination of illegal content, disinformation or other content online and the societal risks involved.

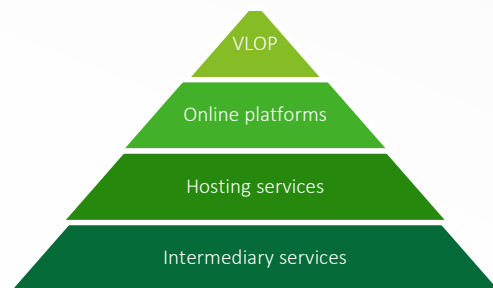
With the DSA, the European Commission (“Commission”) wants online platforms to take more responsibility, to implement certain measures, to become more transparent and to cooperate. This is done by modernizing the (2000) e-Commerce Directive that (among other things) stipulates under which conditions hosting services are not liable for illegal information stored (the so-called "safe harbor" provision) and by introducing a new and extensive set of far-reaching obligations for online platforms.

### Legislative process of the DSA

The DSA was proposed on **15 December 2020**. An agreement was reached on **22 April 2022** and subsequently adopted by the European Parliament on **5 July 2022** (along with the DMA – Digital Markets Act). The European Council gave its final approval on **4 October 2022** and the DSA was published in the Official Journal on **19 October 2022**.

The DSA became applicable to very large online platforms (‘VLOPs’) and very large online search engines (‘VLOSEs’) on **25 August 2023** and becomes applicable in its entirety from **17 February 2024** (VLOPs and VLOSEs together: ‘VLOPs’). The Commission published an [overview](#) of the supervision of the VLOPs by the relevant local Digital Services Coordinator.

### What is the scope of application of the DSA?



- VLOPs with more than 45 million users in the EU (such platforms would have a particular impact on fundamental rights, public security and wellbeing);
- Online platforms that disseminates information upon request of the user (such platforms bring together sellers and consumers such as online marketplaces, app stores, collaborative economy platforms and social media platforms);
- Hosting services (such as cloud and webhosting services); and
- Intermediary services (which offers network infrastructure, such as internet access providers and domain name registrars).

# DSA Overview

## Introduction to the DSA

### What obligations does the DSA impose to providers of online platforms?

- Notice and action mechanisms to combat illegal content (art. 16 DSA);
- A statement of reasons shall be provided to any affected users when restrictions are imposed (art. 17 DSA);
- Notification of suspicion of criminal offences to law enforcement or judicial authorities (art. 18 DSA);
- Access to an effective internal complaint-handling system (art. 20 DSA);
- Access to an out-of-court dispute settlement body (art. 21 DSA);
- Notices from trusted flaggers shall be given priority (art.22 DSA);
- Measures and protection against misuse of the platform, such as against users that frequently provide manifestly illegal content (art. 23 DSA);
- Transparency reporting on content moderation (art. 24 DSA);
- Prohibition on 'dark patterns' (art. 25 DSA);
- Requirements on how advertising is presented (art. 26 DSA);
- Recommender system transparency (art. 27 DSA);
- Measures to protect minors (art. 28 DSA);
- (Specific for marketplaces) Know your business user requirements (art. 30 DSA);
- (Specific for marketplaces) Requirement that online interface enables traders to be compliant (compliance by design) (art. 31 DSA); and
- (Specific for marketplaces) Obligation to inform consumers in case illegal products or services have been sold (art. 32 DSA).

# DSA Overview

## Key developments on EU level

### Actions by the (EU) Commission

- [26 September 2023](#): The Commission publishes the **transparency database** in accordance with art. 24(5) DSA. On [31 January 2024](#), the database was updated with an interactive dashboard.
- [18 October 2023](#): The Commission publishes a set of recommendations for member states to **‘fast-track’ DSA governance** to enhance incident response.
- [20 October 2023](#): The Commission adopts rules on **independent audits** under the DSA (art. 37 DSA).
- [24 November 2023](#): The Commission publishes a summary report on the call for evidence on the Delegated Regulation on **data access** (related to art. 40 DSA).
- [1 December 2023](#): The Commission launches the Digital Services Terms and Conditions Database to leverage art. 14 DSA.
- [8 December 2023](#): Commission launches public consultation on the Implementing Regulation on **transparency reporting** under the DSA (until 24 January 2024).
- [8 December 2023](#): Commission launches public consultation on data-sharing platform between member states and the Commission (until 24 January 2024).
- The Commission sends **RFIs** to [AliExpress](#), [Amazon](#), [Apple](#), [Google](#), [Meta](#) (3x), [TikTok](#) and [X](#).
- The Commission signs **administrative arrangements** with local regulators (e.g., [Dutch](#), [French](#), [Irish](#) and [Italian](#) regulator).
- [18 December 2023](#): Commission starts formal proceedings against X.
- [20 December 2023](#): Commission designates three new VLOPs: Pornhub, Stripchat and XVideos.
- The Commission published an [overview](#) of the supervision of the VLOPs by the relevant local Digital Services Coordinator. Latest update: 21 December 2023

### Actions by the VLOP(s)

- [26 September 2023](#): Major online platforms report on first six months under the new Code of Practice on Disinformation.
- [26 October 2023](#): VLOPs published their first transparency reports under the DSA.
- VLOPs published their Ads Repository (e.g., [Booking.com](#), [Google](#)).

# National implementation of the DSA





# Belgium

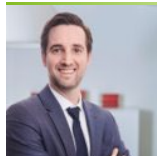
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# ? What is the **status of implementation** of the DSA?

## Digital Services Coordinator and other authorities

### Local legislative developments

### Responses from national authorities and case law

### What are the most relevant upcoming DSA developments?

Belgium has not yet formally designated its Digital Services Coordinator (“DSC”).

The DSA impacts federal legislation and the respective audiovisual media services legislation of the Flemish, German speaking and French community. As such, Belgium will have to designate the competent authorities to enforce the DSA at the federal level and within each of its communities. In this regard, the Council of Ministers has endorsed a draft law approving the cooperation agreement between the federal state and the communities on the execution of the DSA. The cooperation agreement foresees in the appointment of the Belgian Institute for Postal Services and Telecommunications (“BIPT”) as the DSC. Furthermore, the following legislative steps have been taken to appoint the competent authorities:

- Federal level: The draft law foresees in the designation of the BIPT as the competent authority for the execution of the powers of the Belgian federal state.
- French community: The draft decree foresees that the competent authority for the supervision of intermediary service providers and the execution of the DSA will be the Conseil Supérieur de l’Audiovisuel (“CSA”).
- Flemish community: The competent authority for the supervision of intermediary service providers and the execution of the DSA is the Flemish Regulator for Media (“VRM”).
- German speaking community: no information is available yet.

Regardless of the distribution of future competences in this area by the Belgian legislator, the services involved in this ‘digital package’ as part of the EU Digital Strategy often involve the processing of personal data, which will be under the supervision of the Belgian Data Protection Authority (the “DPA”). The DPA indicated already itself that there is a good chance that it will play a role in the DSA since it has undeniable expertise in the matter, which can be used in the information transparency debates.

# ? What is the **status of implementation** of the DSA?

Digital Services Coordinator and other authorities

## Local legislative developments

Responses from national authorities and case law

What are the most relevant upcoming DSA developments?

Belgium is in the process of discussing and voting on draft laws outlining how it will implement the DSA on a federal level and in the different communities:

- Federal level: The draft law implementing the DSA and amending Directive 2000/31/EC, amending Book XII and Book XV of the Code of Economic Law and amending the law of 17 January 2003 relating to the status of the BIPT has been submitted on 31 January 2024 to the House of Representatives, is currently pending and will be discussed in parliament in the coming weeks. In order to bring Belgian legislation into line with the DSA, the draft provides for:
  - An amendment to books XII and XV of the Code of Economic Law to bring Belgian law into line with the new rules applicable to the information society services provided by the DSA; and
  - An amendment to the law regarding the statute of the regulator of the BIPT to grant the latter the role of digital services coordinator.
- French community: The draft decree amending the Decree of 4 February 2021 relating to audiovisual media services and video sharing services has been submitted to the Parliament of the Wallonia-Brussels Federation on 25 January 2024. This decree designates the CSA as the competent authority for the supervision of intermediary service providers and the execution of the DSA, for the French community. The Wallonia-Brussels Federation has in its parliamentary committee of 30 January 2024 adopted the draft decree. In the coming weeks, the draft decree will have to be adopted in the plenary session of the Parliament of the Wallonia-Brussels Federation.
- Flemish community: The Flemish Parliament has, on 24 January 2024, adopted a decree amending the Media Decree to bring it into line with the DSA. This decree designates the VRM as the competent authority for the supervision of intermediary service providers and the execution of the DSA, for the Flemish community. As a consequence of the additional competences granted to the VRM, the internal organisation of the VRM would also be redrawn.
- German speaking community: no information is available yet.

# ? What is the **status of implementation** of the DSA?

Digital Services Coordinator and other authorities

Local legislative developments

Responses from national authorities and case law

What are the most relevant upcoming DSA developments?

The BIPT and the office of the State Secretary cannot yet say exactly when the appointment of the DSC will be final. Jimmy Smedts, spokesperson for BIPT, says that they are waiting for further instructions and explanations about the role of the BIPT. However, he emphasizes that the BIPT will not stand alone as coordinator. "*Each member state is obliged to nominate a coordinator to monitor legislation and report to the EU. Many other federal and regional agencies and regulators will also take on a role,*" says Smedts. Smedts cannot tell who or which organizations may call themselves "*trusted flaggers*". The DSA is particularly complex and BIPT still needs to be properly acquainted with the legislation.

So far, there has not been any local case law in Belgium with regards to the DSA.

# ? What is the **status of implementation** of the DSA?

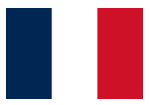
Digital Services Coordinator and other authorities

Local legislative developments

Responses from national authorities and case law

What are the most relevant upcoming DSA developments?

The DSA will be directly applicable in Belgium as of 17 February 2024 without the need to be transposed. However, adaptative legislative measures in specific digital areas may be required to ensure full implementation of the DSA in Belgium.



# France

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# ? What is the **status of implementation** of the DSA?

## Digital Services Coordinator and other authorities

Local legislative developments

Responses from national authorities and case law

What are the most relevant upcoming DSA developments?

A draft law aimed at adapting French law so that the DSA and the Digital Markets Act (DMA) can be applied is in the process of being discussed and amended by the French National Assembly and Senate.

This [draft law aimed at securing and regulating the digital space](#) (*Projet de Loi visant à sécuriser et réguler l'espace numérique*) allocates the responsibilities arising from the implementation of the DSA.

As such:

- The French regulatory authority for audiovisual and digital communication (*ARCOM - Autorité de régulation de la communication audiovisuelle et numérique*) will be designated as the Digital Services Coordinator in France;
- The French General Directorate for Competition, Consumer Affairs and Fraud Control (*DGCCRF - Direction générale de la concurrence, de la consommation et de la répression des fraudes*) is designated as the authority responsible for monitoring compliance by marketplace providers; and
- The French data protection authority (*CNIL - Commission nationale de l'informatique et des libertés*) will be responsible for verifying that platforms comply with the restrictions on advertising profiling (prohibition on the use of sensitive data or regarding minors).

# ? What is the **status of implementation** of the DSA?

Digital Services Coordinator and other authorities

## Local legislative developments

Responses from national authorities and case law

What are the most relevant upcoming DSA developments?

A law on confidence in the digital economy ([Loi sur la confiance dans l'économie numérique](#) or LCEN) was adopted in France in 2004 to ensure the transposition of the EU Directive on electronic commerce ([Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000](#)). This law, among other things, introduced a system of reduced liability for hosting providers.

With the aim of harmonizing the rules governing the liability of providers of intermediary services, the DSA amends the Directive on electronic commerce. For example, articles 12 to 15 of the Directive on electronic commerce, relating to the liability of intermediary service providers (as defined by the Directive) are deleted (see art. 89 of the DSA) and replaced by articles 4, 5, 6 and 8 of the DSA.

Thus, a draft law aimed at securing and regulating the digital space (*Projet de Loi visant à sécuriser et réguler l'espace numérique*) is in the process of being discussed and amended by the French National Assembly and Senate. It aims at adapting French law so that the DSA and the Digital Markets Act (DMA) can be applied in full in France and will thus modify the French law on confidence in the digital economy (LCEN) from 2004.

The draft law was presented to the Council of Ministers (*Conseil des ministres*) on 10 May 2023 by Bruno Le Maire, Minister for the Economy, Finance and Industrial and Digital Sovereignty, and Jean-Noël Barrot, Minister Delegate for Digital Affairs. It was adopted on first reading, with amendments and unanimously, by the Senate on 5 July 2023. It was then adopted on first reading, with amendments, by the National Assembly on 17 October 2023. The government has initiated the fast-track adoption procedure for this draft law. The French representatives from the National Assembly and Senate are now working in a joint committee to agree on a final version of the draft law.

Legal provisions going beyond the provisions of the DSA regarding the implementation of targeted measures to protect the rights of the child, including age verification and parental control tools (art. 35(1)(j) of the DSA for providers of very large online platforms and very large online search engines), have also been adopted in France (recently as well as prior to the adoption of the DSA). For instance, the role of the French regulatory authority for audiovisual and digital communication (ARCOM) in the fight against children's access to pornographic sites was strengthened. A [law dated 30 July 2020](#) gave the ARCOM powers to enforce the legal ban on minors accessing pornographic sites, and created a judicial procedure for blocking and delisting websites that did not respect the law. Furthermore, the draft law aimed at securing and regulating the digital space also provides that the ARCOM will have to draw up a general reference framework setting out the technical requirements to be met by the age verification systems implemented on pornographic websites.



# ? What is the **status of implementation** of the DSA?

Digital Services Coordinator and other authorities

Local legislative developments

**Responses from national authorities and case law**

What are the most relevant upcoming DSA developments?

The French regulatory authority for audiovisual and digital communication (ARCOM) has expressed its delight at the adoption of the DSA in a press release dated 27 October 2022. The ARCOM has indicated that the consistent and effective application of the DSA will require greater synergies between the regulators in each member state and the European Commission, as well as between all the relevant French authorities. Civil society and the world of research will also have a leading role to play through their work on the impact of the activity of platforms.

The ARCOM has indicated that it was ready to contribute immediately, alongside the European Commission and its European counterparts, to the establishment of an operational framework for the regulation of very large platforms.

The French data protection authority (CNIL) has published its opinion ([Deliberation No. 2023-036 dated 20 April 2023](#)) on the draft law aimed at securing and regulating the digital space. The draft law designates the CNIL as the competent authority to ensure compliance, by online platform providers that have their principal place of business in France, or whose legal representative resides in France, with several obligations of the DSA such as the obligation to provide each recipient of advertising with information on the main parameters used to target them, as well as the way in which these parameters can be modified, the prohibition on presenting advertising to recipients based on profiling using "sensitive" data within the meaning of the GDPR, and the prohibition on advertising based on the profiling of minors.

The CNIL therefore considers that, in the interests of readability and legal certainty, it would be preferable to integrate as far as possible the new rules resulting from the DSA into the existing laws and decrees, which are contained not only in the French Data Protection Act, namely *Loi informatique et libertés* (articles 19 to 22-1) ([Law No. 78-17 of 6 January 1978 on data processing, data files and individual liberties](#)) but also in its implementing decree. The new provisions introduced could therefore be limited mainly to:

- Listing the CNIL's powers for the application of certain provisions of the DSA;
- Referring to the supervisory powers already provided in the *Loi informatique et libertés*, which could be supplemented to include all the powers provided for in art. 51 of the DSA (in particular the power to seize data); and
- Referring to the applicable corrective measures provided for in art. 20 of the *Loi informatique et libertés*, specifying the particularities arising from the DSA.

# ? What is the **status of implementation** of the DSA?

Digital Services Coordinator and other authorities

The adoption of the French draft law aimed at securing and regulating the digital space (*Projet de loi visant à sécuriser et réguler l'espace numérique*) is expected for 2024.

Local legislative developments

Responses from national authorities and case law

What are the most relevant upcoming DSA developments?



# Germany

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# ? What is the **status of implementation** of the DSA?

## Digital Services Coordinator and other authorities

Local legislative developments

Responses from national authorities and case law

What are the most relevant upcoming DSA developments?

The current draft for the “Digitale-Dienste-Gesetz” (“Digital Services Law”, “DDG”), which implements the DSA on the German level, distributes the responsible roles under the DSA as follows:

- General supervision and enforcement (art. 49(1) DSA): Federal Network Agency;
- Digital Services Coordinator (art. 49(2) DSA): Federal Network Agency;
- For services accessible to minors (enforcement of art. 14(3), 28(1) DSA): Federal Agency for the Protection of Children and Young People in the Media; For advertisement and profiling (enforcement of art. 26(3), 28(2) DSA): Federal Commissioner for Data Protection and Freedom of Information; and
- Central authority for notifications under art. 18(1) DSA: Federal Criminal Police Office.

The DDG remains in draft status and has not yet entered the parliament for the legislative procedure. The distribution of competences currently favors federal bodies as state media institutes only have a supportive role under the DDG. This power distribution has been criticized by the states and state authorities. It is therefore still possible that changes to the draft occur in this area, e.g., by giving more power to state bodies (for example, the state media institutes/authorities).

# ? What is the **status of implementation** of the DSA?

Digital Services Coordinator and other authorities

The Federal Ministry for Digital and Transport published its draft proposal for the DDG in August 2023. The government has accepted the draft proposal on 20 December 2023, but it remains unclear when the law will be introduced into parliament for mandatory readings. As far as currently known, it is intended by the German government to pass the law in an accelerated procedure but even then, it is unlikely that the law will come into effect sooner than March 2024.

Local legislative developments

Responses from national authorities and case law

What are the most relevant upcoming DSA developments?

# ? What is the **status of implementation** of the DSA?

Digital Services Coordinator and other authorities

So far, there have not been any responses from national authorities or local case law with regards to the DSA. It is currently difficult to estimate when the first measures will be taken, and the first judgments passed as this also depends on the outcome of the legislative process concerning the DDG in Germany.

Local legislative developments

Responses from national authorities and case law

What are the most relevant upcoming DSA developments?

# ? What is the **status of implementation** of the DSA?

Digital Services Coordinator and other authorities

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What are the most relevant upcoming DSA developments?

Firstly, it is important to mention that one “very large online platform” (“VLOP”) that would also be under supervision of the German Digital Services Coordinator, namely Zalando, is currently contesting their classification as a VLOP in front of the ECJ. The decision would be one of the first major rulings on the application of the DSA.

Secondly, the implementation of the DSA as well as the DDG will require the respective public authorities, in particular the Federal Network Agency and the Federal Criminal Police Office, to significantly increase their number of personnel. The Federal Crime Police Office expects that the tasks under the DSA will require additional 450 positions to be filled. Especially with regards to law enforcement, the increase in resources for the Federal Criminal Police Office may initiate similar actions on a state level and improve the persecution of crimes committed in the online space – an area that has been perceived as at least partially weak in recent years.



# Italy

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# ? What is the **status of implementation** of the DSA?

## Digital Services Coordinator and other authorities

### Local legislative developments

### Responses from national authorities and case law

### What are the most relevant upcoming DSA developments?

With Law Decree No. 123/2023 (art. 15), published in Official Gazette No. 216 of 15 September 2023, AGCOM was appointed as the Digital Services Coordinator for Italy (pursuant to art. 49, paragraph 2, of the DSA) and will thus become part of the Board for Digital Services, to be established by February 2024 (according to art. 61 of the DSA). AGCOM is thus responsible for overseeing the implementation of the DSA in Italy and enforcing the law against non-compliant online platforms. In such regard, the AGCOM is therefore granted new investigative and enforcement powers, including the power to impose economic sanctions.

AGCOM has already taken some steps to prepare for the implementation of the DSA.

On 30 October 2023, AGCOM communicated to have signed an [administrative arrangement](#) with the European Commission to support the enforcement of the DSA, committing to cooperate with the EU Commission on issues such as the assessment of compliance with the DSA obligations and the investigation of complaints. The agreement promotes and defines the procedural framework for the exchange of information, data, methodologies, technical systems and tools to assist the European Commission in identifying and assessing the systemic risks that online platforms may face, including risks related to the dissemination of illegal content and disinformation, as well as negative effects on minors, in view of the completion of the new institutional legal framework provided by the DSA.

# ? What is the **status of implementation** of the DSA?

Digital Services Coordinator and other authorities

The implementation of the DSA in Italy is currently in its early stages. No drafts or proposals to adapt the national law to the DSA have been published.

Local legislative developments

Responses from national authorities and case law

What are the most relevant upcoming DSA developments?

# ? What is the **status of implementation** of the DSA?

Digital Services Coordinator and other authorities

So far, there have not been any responses from national authorities or local case law with regards to the DSA. It is currently difficult to estimate when the first measures will be taken, and the first judgments passed as this also depends on the outcome of the legislative process in Italy.

Local legislative developments

Responses from national authorities and case law

What are the most relevant upcoming DSA developments?

# ? What is the **status of implementation** of the DSA?

Digital Services Coordinator and other authorities

The DSA will be fully directly applicable in Italy as of 17 February 2024 without the need to be transposed. However, adaptative legislative measures in specific digital areas to ensure full implementation of the DSA in Italy are expected during 2024.

Local legislative developments

Responses from national authorities and case law

What are the most relevant upcoming DSA developments?



# Ireland

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# ? What is the **status of implementation** of the DSA?

## Digital Services Coordinator and other authorities

Local legislative developments

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What are the most relevant upcoming DSA developments?

Coimisiún na Meán was established by the Online Safety and Media Regulation Act 2022 on 15 March 2023\*. The government has decided that it will designate Coimisiún na Meán as the Digital Services Coordinator, and €2.7 million was allocated in 2023 to specifically support the establishment of the Digital Services function within Coimisiún na Meán\*\*.

The Coimisiún have appointed\*\*\*:

- Digital Services Commissioner
- Broadcasting Commissioner
- Media Development Commissioner
- Online Safety Commissioner

Thirteen of the VLOPs under DSA are headquartered in Ireland.

Sources:

\* [gov.ie](http://www.gov.ie) - [New media regulator, Coimisiún na Meán, formally established \(www.gov.ie\)](http://www.gov.ie)

\*\* Minister Coveney: [gov.ie](http://www.gov.ie) - [Minister Coveney and Minister Calleary welcome Digital Services Bill \(www.gov.ie\)](http://www.gov.ie)

\*\*\* [Coimisiún na Meán | About us \(cnam.ie\)](http://cnam.ie)

# ? What is the **status of implementation** of the DSA?

Digital Services Coordinator and other authorities

## Local legislative developments

Responses from national authorities and case law

What are the most relevant upcoming DSA developments?

The Digital Services Bill was published on 13 December 2023, to give further effect to the DSA on a Single Market For Digital Services\*.

The Digital Services Bill 2023 will designate Coimisiún na Meán as the Digital Services Coordinator and lead competent authority for the DSA. It will also designate the Competition and Consumer Protection Commission (CCPC) as a second competent authority, with specific responsibility for online marketplaces\*\*.

This Bill is tightly integrated with the Online Safety and Media Regulation Act 2022, and covers other miscellaneous matters such as the liability regime for providers of online intermediary services, the harmonization of court orders to take down illegal content from online services, along with the procedures for awarding "trusted flagger" status which certifies entities as out of court dispute settlement bodies and procedures for dealing with complaints from users or bodies mandated to act on their behalf\*\*\*.

Sources:

\* [General Scheme of the Digital Services Bill 2023 - DETE \(enterprise.gov.ie\)](https://enterprise.gov.ie)

\*\* [DSA Update: Digital Services Bill 2023 Published - Technology - Ireland \(mondaq.com\)](https://mondaq.com)

\*\*\* [gov.ie - Minister Coveney and Minister Callery welcome Digital Services Bill \(www.gov.ie\)](https://www.gov.ie)

# ? What is the **status of implementation** of the DSA?

Digital Services Coordinator and other authorities

Local legislative developments

Responses from national authorities and case law

What are the most relevant upcoming DSA developments?

- Thus far, there is no relevant case law which directly effect Irish platforms, or which have been spearheaded by Coimisiún na Meán. However, X, which is a named VLOP and against whom the European Commission has opened formal proceedings against under DSA,\* is headquartered in Dublin.
- Following November riots in Dublin City Centre, Coimisiun na Meán exerted their authority as the Digital Services Coordinator by meeting with VLOPs alongside the European Commission to get information on how they had responded to the incident.\*\*

Sources:

\* [Commission opens formal proceedings against X under the DSA \(europa.eu\)](https://european-council.europa.eu/media/eu-press/press-releases/2024/01/04)

\*\* [Engagement with Platforms following violent incidents in Dublin last week - Coimisiún na Meán \(cnam.ie\)](https://www.cnam.ie/en/news/engagement-with-platforms-following-violent-incidents-in-dublin-last-week)



# ? What is the **status of implementation** of the DSA?

Digital Services Coordinator and other authorities

Local legislative developments

Responses from national authorities and case law

What are the most relevant upcoming DSA developments?

- The Digital Services Bill is currently before Dáil Éireann, with a view to being passed in 2024.\*
- The Digital Services Coordinator (CnaM) and French media regulator (*Autorité de régulation de la communication audiovisuelle et numérique*, ARCOM) signed administrative arrangements with The European Commission CnaM on 23 October 2023 with a view to developing expertise and capabilities and follow the Commission Recommendation to member states for coordinating their response to the spread and amplification of illegal content on VLOPs/VLSEs, ahead of the deadline for member states to play their role in the enforcement of the DSA.\*\*

Sources:

\* Oireachtas - [Digital Services Bill 2023 – No. 89 of 2023 – Houses of the Oireachtas](#)

\*\*Coimisiún na Meán - [European Commission services sign administrative arrangements with Irish and French media regulators to support enforcement of Digital Services Act - Coimisiún na Meán \(cnam.ie\)](#)



# The Netherlands

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# ? What is the **status of implementation** of the DSA?

## Digital Services Coordinator and other authorities

The Authority for Consumer and Markets (in Dutch: *Autoriteit Consument & Markt* – “ACM”) has been appointed as Digital Services Coordinator. The Commission officially partnered with the ACM on [19 December 2023](#).

In addition, the Data Protection Authority (in Dutch: *Autoriteit Persoonsgegevens*) has been appointed as competent authority responsible specifically for enforcement of the provisions on advertising based on profiling (articles 26(3) and 28(2) DSA).

Local legislative developments

Responses from national authorities and case law

What are the most relevant upcoming DSA developments?

# ? What is the **status of implementation** of the DSA?

Digital Services Coordinator and other authorities

## Local legislative developments

Responses from national authorities and case law

What are the most relevant upcoming DSA developments?

The Netherlands Implementation Act was proposed on 22 December 2022. The Implementation Act has been open for public consultation from 14 July 2023 until 25 August 2023.

In the draft Implementation Act, and its accompanying draft Explanatory Memorandum, the Dutch legislator addresses various topics such as:

- The appointment of the supervisory authorities.
- Vetted researchers. The period to decide on an application under art. 40(8) DSA is set on 12 weeks plus one possible extension of eight weeks. The NL Data Protection Authority shall advise whether an application complies with art. 40(8)(d) DSA.
- As for out-of-court dispute settlement, the Dutch legislator does not make use of the possibility under art. 21 DSA to establish out-of-court dispute settlement bodies or to support the activities of certified bodies. According to the legislator, there are already enough qualified organizations in the Netherlands that can apply for a certified status under the DSA.
- There will not be a specific provision on trusted flaggers. However, the Dutch legislator points out that the status of trusted flagger is suitable for private organizations for private enforcement, and that, in principle, it is undesirable for public organizations and regulators to apply for the status of trusted flagger under the DSA. Instead, such organizations should use their statutory powers to combat illegal information and/or to make voluntary agreements with online platforms or intermediary services. In the report of the Internet consultation, the legislator states that it received many reactions on this point, and that the Explanatory Memorandum has been adjusted on some points. However, the final text is not available yet.

# ? What is the **status of implementation** of the DSA?

Digital Services Coordinator and other authorities

Local legislative developments

Responses from national authorities and case law

What are the most relevant upcoming DSA developments?

On [18 January 2024](#), the ACM published an extensive set of guidelines on the DSA for public consultation. Interested parties have until 16 February 2024 to respond.

The ACM will be the Digital Services Coordinator for the VLOP services AliExpress, Booking.com and Snapchat.

As for case law, there has not been any case law in or related to the Netherlands.

# ? What is the **status of implementation** of the DSA?

Digital Services Coordinator and other authorities

Local legislative developments

Responses from national authorities and case law

What are the most relevant upcoming DSA developments?

In 2024, it is expected that the Implementation Act will be finalized and will enter into force.

In addition, the ACM will finalize its guidelines and is expected to consult with market parties. In its [Focus Activities 2024](#), the ACM indicates that it will focus on: (i) awareness about the DSA, the DMA and the P2B Regulation; (ii) enforcement against online deception and manipulation, e.g., in the gaming sector; and (iii) investigation into online platforms misusing their market position. In terms of focus, this is in line with the [Year Plan of the ACM of 2024](#). In its Year Plan, the ACM also indicates that its budget will grow in 2024 in comparison with 2023, and that this growth will particularly focus on new digital tasks (DSA/DMA).



# Norway

## Contacts



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# ? What is the **status of implementation** of the DSA?

## Digital Services Coordinator and other authorities

The DSA is currently under review in the EEA EFTA countries and will not become applicable in Norway until it has been incorporated in the EEA agreement.

Local legislative developments

Responses from national authorities and case law

What are the most relevant upcoming DSA developments?



# ? What is the **status of implementation** of the DSA?

Digital Services Coordinator and other authorities

## Local legislative developments

Responses from national authorities and case law

What are the most relevant upcoming DSA developments?

In Norway, a separate working group has been established on DSA and Digital Markets Act (DMA) headed by the Ministry of Local Government and Rural Affairs and with representatives from the Ministry of Trade, Industry and Fisheries, the Ministry of Culture and Equality, the Ministry of Foreign Affairs, the Ministry of Justice and the Ministry of Children and Family Affairs, as well as subordinate agencies such as the Norwegian Communications Authority, the Norwegian Competition Authority, the Media Authority, the Consumer Authority and the Data Protection Authority.

The working group has assessed the two proposed regulations, and together with Iceland and Liechtenstein, EFTA positions were drawn up on the two proposals in autumn 2022. In addition, Norway submitted a separate position on the DSA in early 2023 with a proposal to ban behavioral marketing aimed at children and young people. The task force has also begun the process of assessing possible models of national enforcement. The deadline to appoint a national independent DSA coordinator is 17 February 2024.

# ? What is the **status of implementation** of the DSA?

Digital Services Coordinator and other authorities

The Communications Authority published a [report](#) in August 2023 on how the DSA will affect Norwegian companies. The authority is positioning itself to become the national DSA coordinator, but a decision has not yet been made by the government.

Local legislative developments

Responses from national authorities and case law

What are the most relevant upcoming DSA developments?

# ? What is the **status of implementation** of the DSA?

The deadline to appoint a national independent Digital Services Coordinator is 17 February 2024.

Digital Services Coordinator and other authorities

Local legislative developments

Responses from national authorities and case law

What are the most relevant upcoming DSA developments?



# Spain

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# ? What is the **status of implementation** of the DSA?

## Digital Services Coordinator and other authorities

### Local legislative developments

### Responses from national authorities and case law

### What are the most relevant upcoming DSA developments?

The Ministry for Digital Transformation and Public Administration has appointed the National Commission for Markets and Competition (“CNMC”) as the national DSC. The government thus complies with the provisions of DSA, which establishes the obligation for member states to designate a coordinating competent authority that meets the requirements of independence from external influences and sufficient autonomy in managing its budget.

The CNMC will therefore be responsible for ensuring the coordination, supervision and consistent effective enforcement of the DSA in Spain.

Also, within the framework of the DSA, the Spanish Data Protection Agency will be the competent authority in matters of supervision of compliance with data protection regulations, with full cooperation between both organizations.

In this context, the European Centre for Algorithmic Transparency (“ECAT”) was launched in April 2023 in Seville to provide scientific and technical expertise to support the enforcement of the DSA and further research into the impact of algorithmic systems deployed by online platforms and search engines.

The goal of ECAT is to provide technical assistance and practical guidance for transparent and reliable algorithmic systems. Their work is carried out by combining methodologies from different disciplines to integrate technical, ethical, economic, legal and environmental perspectives. In this sense, the ECAT becomes a key player in applying the DSA.

# ? What is the **status of implementation** of the DSA?

Digital Services Coordinator and other authorities

In Spain, the DSA has been applied and the terms and conditions have been updated in Spanish in all those platforms that are obliged to do so.

The regulations in Spain are directly transposed and, therefore, since the DSA has already been published in the Official State Gazette, the obligations set forth in these regulations are already imposed.

## Local legislative developments

Responses from national authorities and case law

What are the most relevant upcoming DSA developments?

# ? What is the **status of implementation** of the DSA?

Digital Services Coordinator and other authorities

Local legislative developments

**Responses from national authorities and case law**

What are the most relevant upcoming DSA developments?

There have not been any responses from national authorities or local case law with regards to the DSA.

# ? What is the **status of implementation** of the DSA?

Digital Services Coordinator and other authorities

It is expected that the Spanish DSC will publish guidelines regarding the application of the requirements set forth in the DSA, as well as their coexistence with other applicable regulations in Spain.

In this regard, adaptative legislative measures in specific digital areas - such as the Law 34/2002, of 11 July, on information society services and electronic commerce - to ensure full implementation of the DSA in Spain - are expected during 2024.

Local legislative developments

Responses from national authorities and case law

What are the most relevant upcoming DSA developments?





# Sweden

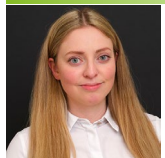
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# ? What is the **status of implementation** of the DSA?

## Digital Services Coordinator and other authorities

Pending suggestion that several authorities will be competent, with the Swedish Post and Telecom Authority as the coordinator and the Consumer Agency and the to-be-established Media Authority responsible for the supervision and enforcement in their respective fields. In two recently published Swedish government official reports additional authorities are mentioned as relevant for the enforcement of the DSA but has not been appointed any official role.

Local legislative developments

Responses from national authorities and case law

What are the most relevant upcoming DSA developments?

# ? What is the **status of implementation** of the DSA?

Digital Services Coordinator and other authorities

New legislation and amendments to existing legislation has been proposed and published in Swedish government official reports.

As a direct result of the DSA, there is a proposal on a new Swedish law implementing supplementary legislation in addition to the DSA. The law proposal contains regulation on fines and sanctions, authorization for the supervisory authorities and other supervisory tasks. The proposal is still to be decided upon by the Swedish government.

Local legislative developments

Responses from national authorities and case law

What are the most relevant upcoming DSA developments?

# ? What is the **status of implementation** of the DSA?

Digital Services Coordinator and other authorities

There have been no specific responses from the relevant authorities, except from their input to the legislation proposals which is an ordinary step in the Swedish legislation process. There is currently no case law.

Local legislative developments

**Responses from national authorities and case law**

What are the most relevant upcoming DSA developments?

# ? What is the **status of implementation** of the DSA?

Digital Services Coordinator and other authorities

The next step in the legislation process is for the Swedish Parliament to discuss and decide on the proposals SOU 2023:39 and SOU 2023:2 during 2024. There are no known date when this will be decided, but the deadline to appoint a supervisory authority for DSA is the 17 February 2024

Local legislative developments

Responses from national authorities and case law

What are the most relevant upcoming DSA developments?

# Cross-jurisdictional offerings

# Offerings on the implementation of the DSA

Deloitte can offer a variety of services, providing highly specialized consultancy in all economic sectors and for all sizes of companies and groups on the implementation of the DSA.

## Some of the cross-jurisdictional offerings are:

- Providing tailor-made legal advice on DSA topics;
- Assisting in compliance with transparency obligations;
- Drafting and reviewing contracts related to the DSA, both B2B and B2C;
- Assisting in how to design content moderation under the DSA, including how to respond to certain requests, how to design advertising and how to design your marketplace;
- Carrying out risk assessments;
- Performing independent audits;
- Delivering trainings to employees and managers;
- Facilitating round tables with industry colleagues;
- Supporting in multi-jurisdictional projects and extraordinary deals;
- Supporting in any proceedings before the competent supervisory authorities; and
- Assisting in claims or litigation.





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