

European Commission initiates procedures under the DSA

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The Digital Services Act (DSA), enacted in October 2022, regulates intermediary services, particularly focusing on very large online platforms (VLOPs) and very large online search engines (VLOSEs). Following its implementation, the European Commission (EC) designated key VLOPs and VLOSEs in April 2023, including Bing, Google Search, LinkedIn, Meta, Snapchat, TikTok, YouTube, and X.

One of the EC's powers under the DSA is the authority to request for information (RFI) from VLOPs and VLOSEs to assess their compliance with the Regulation's obligations. Article 67 of the DSA outlines this investigatory power.

Recent actions by the EC show the use of RFIs to assess the services' compliance with the DSA.

On 1 March 2024, the EC sent an RFI to Meta, focusing on areas such as advertising practices, recommender systems, and risk assessments related to new features such as ad subscription options (Articles 26, 27, 34, and 35 of the DSA).

On 14 March 2024, the EC directed separate RFIs to LinkedIn and other major platforms (Bing, Google Search, Facebook, Instagram, Snapchat, TikTok, YouTube, and X). The request to LinkedIn specifically sought detailed information regarding compliance with the prohibition of presenting advertisements based on profiling using special categories of personal data (Article 26(3) of the DSA). Meanwhile, the requests to the other platforms aimed to gather detailed information regarding compliance with the risk assessments obligation related to generative AI and the spread of false information (Articles 34 and 35 DSA).

According to the DSA's provisions, each undertaking must respond within a specified timeline to the EC's requests for information. Failure to provide accurate, comprehensive, or transparent information may lead to penalties, as outlined in Article 74(2) of the DSA.

The EC will evaluate the responses received and determine the appropriate next steps in ensuring compliance and addressing any potential violations of the DSA.

Digital Services Act

<https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex:32022R2065#d1e3513-1-1>

Commission sends request for information to Meta under the DSA

<https://digital-strategy.ec.europa.eu/en/news/commission-sends-request-information-meta-under-digital-services-act-1>

Commission sends request for information to LinkedIn under the DSA

<https://digital-strategy.ec.europa.eu/en/news/commission-sends-request-information-linkedin-potentially-targeted-advertising-based-sensitive-data>

Commission sends request for information to 8 platforms under the DSA

https://digital-strategy.ec.europa.eu/en/news/commission-sends-requests-information-generative-ai-risks-6-very-large-online-platforms-and-2-very?pk_source=ec_newsroom&pk_medium=email&pk_campaign=Shaping%20Europe%27s%20Digital%20Future%20-%20Weekly%20newsletter

