DSA: first set of Very Large Online Platforms and Search Engines designated by the European Commission

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On 25th April 2023, the European Commission adopted its first designation decision under the Digital Services Act (DSA), which entered into force in November 2022. Based on the user data platforms had to publish by 17 February 2023, the Commission designated 17 Very Large Online Platforms (VLOPs) and 2 Very Large Online Search Engines (VLOSEs) that reach at least 45 million monthly active users.

The regulation aims at empowering and protecting users online, including minors, by requiring the designated services to assess and mitigate their systemic risks and to provide robust content moderation tools. Under the DSA, obligations match the role, the size and the impact of platforms on the online ecosystem. In other words, the greater the size, the greater the responsibility. Obligations toward VLOPs and VLOSEs therefore include more user empowerment, strong protection of minors, more diligent content moderation and less disinformation, and more transparency and accountability. Such a designation therefore requires the said platforms and search engines to comply with the set of additional obligations under Section 5 of the DSA within four months.

The designated platforms will need to report to the Commission their first annual risk assessment, as provided under Article 34 DSA. VLOPs and VLOSEs will have to identify, analyse and assess any systemic risks in the Union stemming from the design or functioning of their service and its related systems, including algorithmic systems, or from the use made of their services. Mitigation measures will consequently be put in place in response to the previous assessment, paying particular consideration to the impacts of such measures on fundamental rights (Article 35 DSA). The risk mitigation plans of designated platforms and search engines will be subject to an independent audit and oversight (Article 37 DSA).

On the same day, the Commission also launched a call for evidence on the DSA provisions related to, among others, data access for researchers (Article 40 DSA). Vetted researchers will indeed have the possibility to access the data of any VLOP or VLOSE, including to conduct research on systemic risks in the EU. The Commission is working on the design of efficient, easy, practical and clear data access mechanisms, with the view of increasing transparency and allowing for a better understanding of VLOPs and VLOSEs. The Commission will include those

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mechanisms in a delegated act, which will ensure that a coherent procedure for data access is implemented across Member States. The consultation will end on 23rd May.

The list of Very Large Online Platforms includes:

Alibaba AliExpress, Amazon Store, Apple AppStore, Booking.com, Facebook, Google Play, Google Maps, Google Shopping, Instagram, LinkedIn, Pinterest, Snapchat, TikTok, Twitter, Wikipedia, YouTube, Zalando

The list of Very Large Online Search Engines includes:

Bing, Google Search

DSA: Very large online platforms and search engines

https://digital-strategy.ec.europa.eu/en/policies/dsa-vlops

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)

https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32022R2065#d1e3569-1-1

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