DIGITAL SERVICES ACT

Protection of minors
Insafe training

24 October 2023

DG CONNECT
An internet minute in 2021

- DSA and its sister the Digital Market Act (DMA) regulate most of the services on the wheel.
- The platforms are very diverse
- Volume of content and interactions enormous.
Why the DSA?

**Societal impact**
Digital services permeate both our society and economy

**Opportunities and challenges**
The digital world will accelerate further

**Global**
Digital services are inherently cross-border

**Fragmented rulesets:**
Different existing approaches in the Member States
What are the aims?

- Ensure online safety
- Reduce spread of illegal and harmful content
- Safeguard freedom of speech
- Improve the protection of minors
- Promote a more open and transparent internet
How are the aims achieved?

• Horizontal legislation relevant to services offered in the European Union
• Clear rules on liability
• Strong due diligence obligations
• More obligations for platforms with the largest impact

Enforced by
• European Commission
• Independent Digital Services Coordinators
Who does the DSA apply to?

- Online marketplaces, app stores, collaborative economy platforms, social networks...
- Hosting services
- Online platforms
- Very large online platforms
- Intermediaries
- Cloud services, webhosting...
- Internet access providers, domain name registries...

Online platforms and search engines with over 45 million users in the EU.
19 designated VLOPs and VLOSEs
What due diligence obligations for each?

**VLOP/VLOSEs**
- Risk Management yearly cycle
- Recommender systems: Choices
- Ad Repositories
- Data Access for researchers & Authorities
- Compliance Officer
- Further Transparency Reporting

**Online Platforms**
- Bans on targeted ads to children and special categories of data
- Accessibility requirements
- Transparency of recommender systems and advertising
- Enhanced Transparency Reporting

**Hosting Services**
- Notice and Action
- Reporting criminal offences
- Information to notice-providers and content providers

**Intermediaries**
- Transparency reporting
- Terms & conditions
- Cooperation with national authorities
- Points of contact / legal representatives
Governance of supervising digital services

**Digital Services Coordinator (National level)**
- Independent authorities
- Direct supervision and enforcement of platforms with less than 45 million monthly users in the EU
- Coordination and exchanges with other national competent authorities

**European Board for Digital Services**
- Ad-hoc independent advisory group
- Composed by national Digital Services Coordinators
- Chaired by the Commission
- Advises DSCs and COM, issues recommendations
- Ensures consistent application of the DSA

**European Commission**
- Direct enforcement of the rules for very large online platforms and search engines
- Advises on cross border disputes
- Intervenes following DSC requests
Timeline DSA

November 2022
Entry into force

17 February 2023
Publication of number of active users

April 2023
First designations + ECAT

Sep 2023
Obligations for VLOPs and VLOSEs become applicable. Must carry out & report 1st risk assessment

17 February 2024
DSC appointments, Board & application of all provisions

Sep-Oct 2024
Latest date for full risk management cycle, incl. audit implementation

Risk management yearly cycle
Protection of minors

- Internet access providers, domain name registries...
- Cloud services, webhosting...
- Social networks, online marketplaces, app stores, collaborative economy platforms...
- Online platforms and search engines with over 45 million users in the EU.

Art. 14 – platforms primarily directed at minors, terms and conditions to be easily understandable by minors

Art. 28 – all platforms accessible to minors:
- Measures to ensure privacy, safety and security of minors in the service
  - Commission can issue guidelines
  - Prohibition of targeted ads based on personal data
  - No additional processing of personal data

Art. 34 and 35 - Risk management regime
- Identification of systemic risks, including negative impact to rights of the child, and protection of minors online, risks to mental and physical health
- Implementation of mitigation measures, targeted to the risks (such as parental control, age verification, etc.)

Subject to independent audits
Commission primary enforcer

Article 45 – Commission and Board shall encourage Codes of Conduct for the implementation.
Protection of minors articles in the DSA

- Art 28: Platforms accessible to minors:
  - Ensure the privacy, safety and security of minors in the service
  - Ban on targeted ads based on personal data
  - Not oblige platforms to process additional data
  - Guidelines

- Art 14: Platforms primarily directed at minors should have terms and conditions that are easily understandable by minors

Art 34 and 35: VLOPs and VLOSEs Risk management
- Identification of systemic risks, including negative impact to rights of the child, and protection of minors online, risks to mental and physical health
- Implementation of mitigation measures, targeted to the risks (such as parental control, age verification, etc.)

Article 45 – Commission and Board shall encourage Codes of Conduct for the implementation, for example the Code of conduct on age appropriate design.
Protection of minors – other provisions

- Easier to flag illegal content
  - Notice and action (Art 16)
  - Statement of reasons (Art 17)
- Easier to complain and dispute decisions
  - Internal complaint-handling system (Art 20)
    - Where you can lodge complaints free of charge
    - Out of court dispute settlement body
- Possible to opt out of recommender systems (Art 27)

Other tools
- Better Internet for Kids strategy
- AVMSD (Audio Visual Media Services Directive)
Thank You