

## Digital Services Act

### Main messages

- The Digital Services Act is almost in the final phase of negotiation. Depending on the exact timeline for application, companies like Google would soon have to comply with greater responsibilities, which consequently requires greater due diligence obligations.
- This all comes with scale and public outreach, and corresponds with what the largest digital companies called for.
- In this regard, I would expect you to be ready to comply with all the due diligence obligations as set in the DSA, possibly even earlier than the given date of application.
- Concretely, you might know that the DSA will set rules on content moderation practices of online platforms, and its interaction with freedom of speech and healthy and well-informed public debate.
- Under these rules, platforms would also have to apply effective measures against misuse of their systems and transparency mechanisms. Users will have the right to be informed about the moderation policies and decisions by the platform, to contest them and the necessary means of redress.
- For very large platforms, this is taken one step further, to ensure that those 'public spaces' are open and fair: they will need to assess and address risks that their systems pose to freedom of expression and other fundamental rights.

### Defensive

#### ***Does the Commission support a ban, phase out or more transparency requirements for targeting advertising in the DSA?***

- We welcome the discussion on advertising and recognise that this is a complex area with multi-faceted concerns.
- The advertising system is at the centre of some of the societal risks addressed in the DSA, this is not only limited to micro-targeting: illegal ads or misuse of the system for manipulation (e.g. political ads); on specific platforms, financial incentive for users to publish illegal content and monetise it (platform-specific, not everywhere).
- For micro-targeting, there are wider issues as well, e.g. protection of personal data and privacy; specific behaviour of advertisers (not the intermediary), e.g. political campaigns, or publishers, e.g. ad fraud; risks of collusion in ad bidding and price setting transparency, etc.
- And benefits: regional parties reach their electorate; possible for small sellers to reach consumers (e.g. local producer); NGOs disseminating messages for participation in civil society.
- The DSA addresses some of these issues when they are specific to the risks pursued by the intervention and to platforms. Measures will follow several objectives:
  - it is crucial that users have all the information they need to have informed opinions and clear understanding of advertising on platforms;
  - burden cannot fall on users alone to enforce their rights. It is important to have measures for public scrutiny and accountability – in particular, a special regime for very large platforms, where the impacts are the strongest. They need to manage risks posed by their systems.

## **Background**

The position paper of DOT Europe, an association representing in majority very large online platforms including Google, from March 2022 (i.e. prior to the trilogue negotiations and especially in reaction to the Parliament's position), raises the following points:

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**Contact – briefing contribution:** [REDACTED]

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<sup>1</sup> These are deceptive practices on user interfaces that trick users into doing things they might not otherwise do. Both co-legislators have provisions for dark patterns in their mandate but the Parliament's text is broader, covering more services (including technical intermediaries) and more types of practices.