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Sent: Monday, November 9, 2020 1:08 PM
To: CNECT DSA TEAM <CNECT-DSA-TEAM@ec.europa.eu>
Subject: Flash report - webex discussion with Digital Europe 30.10.2020

[Fyi and your records as well.](#)

Webex meeting with Digital Europe (with attendance of some of their members: Canon, Amazon, Bitkom) on the DSA

Digital Europe general message:

- supports main principles of ECD
- is generally in favour of some of the new elements that might be introduced: know your business customer (KYBC) obligation, trusted flaggers and a good Samaritan clause.

Remarks/Q&A

Canon: KYBC obligations would be useful to reduce counterfeiting, illegal products online, but any obligations should be proportionate and take into account the diversity of types of platforms

COM explained KYBC one of the key elements to increase due diligence in particular in marketplaces (but can be applied in other areas as well) and should indeed be proportionate.

Trusted flaggers also an important element, to be approached differently in different contexts/sectors. Platforms should have a policy in place on repeat infringers as well, transparency on this is very important.

Bitkom: What does COM think the process in the Council will yield in the coming months? Bitkom hears conflicting signals. And how does the current work of the Council impact the COM proposal?

COM explained all contributions, including from MS, feed into the COM work on the proposal. Once the proposal is adopted, the formal co-legislation process will start.

Amazon: Are there going to be e-commerce specific rules in the DSA?

What criteria (number of users, the turnover?) will be used for the asymmetry of obligations? Also, what criteria for gatekeepers in the DMA?

COM explained the DSA is a horizontal instrument, as the ECD. Intention is not to have too many sub-branches, as this should still be a foundation law for digital services, and not necessarily address all possible issues in the digital area, for which other tools may be more suitable.

As regards criteria, COM explained they are being worked on very carefully on, aiming to be straightforward, avoid complex assessment and uncertainties. The new obligations should not overburden small players. On the DMA, gatekeeper criteria is still subject to internal discussions, but in general working only with qualitative elements would be too simplistic.