

To: BEHRNDT Nils (JUST); [redacted] (JUST); [redacted] (JUST);
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 [redacted] (JUST); [redacted] (JUST); [redacted] (JUST);
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Cc: [redacted] (JUST); [redacted] (JUST); [redacted] (JUST);
 [redacted] (JUST); [redacted] (JUST)
Subject: Flash: Today's call with BEUC on DSA and Out of scope

Participants: [redacted] (BEUC)
 Nils Behrndt, [redacted]
 [redacted] (JUST/E)

Out of scope

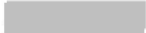
The call had been requested by BEUC to discuss the most recent developments on the DSA and [redacted] files. BEUC welcomed the Digital section of the Consumer Agenda as addressing one of the key priorities for consumers. The discussion focused on the following points:

DSA

- **Online platforms:** BEUC called for the DSA to establish a clear and reinforced responsibility and liability framework for platforms, highlighting the following elements:
 - *Size of platform:* new responsibility and liability framework to apply to all platforms irrespective of their size.
 - *'Know-your-business-customer-principle':* platforms not only to collect, but also to verify information on their business customers; obligation to perform random compliance checks on products and services offered on the platform.
 - *Liability for online marketplaces:* Online marketplaces should incur joint liability for the transactions/products they intermediate in specific scenarios (no/misleading information on supplier; dominant position on supplier; failure to de-list products following notice). Close link between product safety and product liability and therefore need for full coherence between a new liability regime in the DSA with the Market Surveillance Regulation and the (revised) GPSD.
 - *Online advertising:* DSA should establish clear and reinforced transparency obligations on advertising. In that context, BEUC mentioned the [UK CMA's recent market study on Online Platforms and Digital Advertising](#) and enquired whether COM was ready to go beyond transparency on advertising towards a choice architecture for consumers.
- **Regulation/self-regulation:** BEUC concerned that COM's positive communication about platforms' commitment in the COVID-19 CPC action might make it difficult to establish a clear responsibility framework by regulation. Self-regulation is not sufficient, we need a clear regulatory framework, too.
- **Enforcement architecture:** E-commerce Directive does not have a performing enforcement architecture. Needs to be established in the DSA to ensure more and effective enforcement.
- **JUST/E** underlined the need for the DSA to define new and enhanced responsibilities and reinforce the accountability of online platforms. Coherence between the DSA and the GPSD is indeed important (general principles to be addressed in DSA, GPSD might establish more specific rules on product safety). Regarding specific elements of the future DSA, JUST/E is



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