

Digital Services Act

What is it about?

The goal of the Digital Services Act (DSA) is to update the twenty-year old EU legal framework for digital services – the e-Commerce Directive.

Digital platforms such as search engines, price comparison platforms and booking portals play an important role in the digital market as they can help consumers to select the most suitable product, service or company, thereby bringing down barriers to consumers and companies alike.

The downside is that the *old* Directive is not equipped to deal with some problems that arise such as when people are exposed to illegal activities online. The DSA is about making digital players more responsible and protect the rights of their users.

Why it matters to consumers?

Online platforms play a big role in many people's lives. We use them to search online (e.g. Google), shop (e.g. Amazon), connect with friends (e.g. Facebook), book travel (e.g. Booking.com, Airbnb) and travel from A to B (e.g. Uber).

Consumers expect platforms to have a responsibility to ensure what happens on their sites and apps doesn't harm them. Our German member vzbv released [survey results](#) in November of this year that showed that 93% of respondents expected online marketplaces to ensure traders who sell products and offer services on their sites comply with the law. And yet, the reality is different. BEUC member organisations across Europe have released dozens of studies and research about the sale of unsafe products and other illegal activities by platforms: https://www.beuc.eu/publications/unsafe_and_illegal_activities_online.pdf

BEUC's expectations for the DSA

1. Clear legal obligations for digital platforms:
 - Notice & action procedure for infringements, including a friendly and easily accessible reporting tool for consumers.
 - Stricter rules on how companies can promote their services and products online, for example via advertising, nudging, dark patterns, micro-targeting, self-preferencing.
 - Transparency and information requirements e.g. about how online platforms monitor what's happening on their sites and when they remove content.
 - Know your business user principle: Online platforms need to verify traders are legitimate and undertake spot-checks on products and services offered. Our member Which? has [shown](#) that it takes only a few hours to create a fake company and post fraudulent ads on Google and Facebook.

The promotion of the fake business page on Facebook had 500 likes in one week. The fraudulent ad on Google was not banned and it had over 100,000 impressions in a month.

2. Strengthening of the liability of online marketplaces to give redress to consumers for damages, issues with guarantees or contract performance:
 - If, upon credible evidence, marketplaces don't take appropriate measures to remedy the illegal activities at hand;
 - where the platform has a predominant influence over suppliers;
 - for failure to inform consumers about the supplier of the goods or services;
 - for providing misleading information, guarantees, or statements.

(BEUC does not want platforms to be liable for people's speech – like a tweet or amateur video. Platforms should however both take more responsibility and – under specific circumstances – be liable vis-à-vis consumers for commercial activities undertaken by traders.)

3. Strong and efficient redress and enforcement rules, to deal with cross-border and pan-EU infringements – in order to avoid [shortcomings such as those we are experiencing in the context of the enforcement of](#) the General Data Protection Regulation (GDPR).