



Digital Economy

*Understanding the legal impact and challenges of
the rise of e-commerce*

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For AIBL

28 January 2021



Exponential increase worldwide



The Digital Services Act package

Two main goals

to create a **safer digital space** in which the **fundamental rights** of all users are protected

to establish a **level playing field** to foster innovation, growth, and competitiveness, both in the European Single Market and globally.

Digital Services Act

“Online intermediaries and platforms”

Digital Markets Act

“Gatekeepers”

Examples



Platform-to-Business (P2B) Regulation

- Protecting business users of online intermediation services providers and online search engines
- Applicable since July 2020



The Draft Digital Markets Act

- Regulating gatekeepers –providers of **core platform services** with a powerful position (EUR 6,5 bio/yr turnover / 45 mio monthly end users)
- Access to consumers and data, no MFN, no self-preferencing
- **Fine: 10%** worldwide annual turnover
- Draft published December 2020

Examples



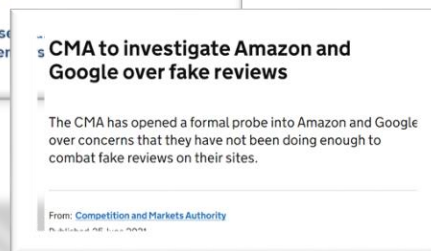
The Draft Digital Services Act

- **Online intermediaries and platforms:** Intermediary services, hosting services, online platforms, and **very large** online platforms – **45 mio monthly active recipients** (10% EU)
- Notice & take-down; KYBC (Know your business customer); Trusted flaggers
- **Fine: 6%** worldwide annual turnover
- Draft published December 2020



Influencers

Ratings & Reviews



DSA: The bigger you are, the bigger your obligations

	Intermediary services	Hosting services	Online platforms	Very large platforms
Transparency reporting	•	•	•	•
Requirements on terms of service due account of fundamental rights	•	•	•	•
Cooperation with national authorities following orders	•	•	•	•
Points of contact and, where necessary, legal representative	•	•	•	•
Notice and action and obligation to provide information to users		•	•	•
Complaint and redress mechanism and out of court dispute settlement			•	•
Trusted flaggers			•	•
Measures against abusive notices and counter-notices			•	•
Vetting credentials of third party suppliers ("KYBC")			•	•
User-facing transparency of online advertising			•	•
Reporting criminal offences			•	•
Risk management obligations and compliance officer				•
External risk auditing and public accountability				•
Transparency of recommender systems and user choice for access to information				•
Data sharing with authorities and researchers				•
Codes of conduct				•
Crisis response cooperation				•

Legal trends around the world

- Online Platforms
- Transparency
- Harmonization
- Inclusive and Sustainable Digital Economy