

EN  
E-001957/2023  
Answer given by Mr Breton  
on behalf of the European Commission  
(2.8.2023)

The Commission has been monitoring the national processes in Member States to get ready for the entry into application of Regulation (EU) 2022/1925 (the Digital Services Act or ‘DSA’)<sup>1</sup>. The Commission has taken note of the legislative process in France and is glad to note the upcoming appointment of the Digital Services Coordinator pursuant to DSA. The Commission also welcomes the proposed provisions that would empower the national competition authorities to support the Commission by investigating possible cases of non-compliance with Regulation (EU) 2022/1925 (the Digital Markets Act or ‘DMA’)<sup>2</sup>.

The direct effect of EU Regulations makes any national transposition unnecessary and, given the full harmonisation effect of DSA and DMA, Member States should refrain from adopting national laws that would overlap with those regulations or create stricter or more detailed provisions in the concerned regulatory fields. The Commission attaches great importance to preserving the integrity of DSA and DMA, and their effective implementation. The Commission is ready to use its enforcement powers, where necessary, to ensure that those regulations are adhered to.

The French authorities have only partially notified the draft law under the procedure set out for these purposes by Directive (EU) 2015/1535<sup>3</sup>. The assessment of its compatibility with EU law is on-going.

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<sup>1</sup> Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act), OJ L 277, 27.10.2022, p. 1–102.

<sup>2</sup> Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act) OJ L 265, 12.10.2022, p. 1–66.

<sup>3</sup> Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services, OJ L 241, 17.9.2015, p. 1–15.