



European Parliament

LEGISLATIVE TRAIN 11.2021

2 A EUROPE FIT FOR THE DIGITAL AGE

PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON A SINGLE MARKET FOR DIGITAL SERVICES (DIGITAL SERVICES ACT) AND AMENDING DIRECTIVE 2000/31/EC / AFTER 2020-9

[● DEPARTURES]

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The rules governing the provision of digital services in the EU have remained largely unchanged since the adoption of the e-Commerce Directive in 2000, while digital technologies and business models continue to evolve rapidly and new societal challenges are emerging, such as the spread of counterfeit goods, hate speech and disinformation online. Against this backdrop, on 15 December 2020, the European Commission tabled a new legislative proposal on a Digital Services Act (DSA) to update the current EU legal framework governing digital services. In parallel, the Commission unveiled a proposal for a Digital Markets Act (see separate fiche).

The DSA proposal is a horizontal instrument that aims to create a safer and trusted online environment. It puts in place a framework of layered responsibilities targeted at different types of services (i.e. intermediary services, hosting services, online platform services, and very large online platforms services) and proposes a set of harmonised EU-wide asymmetric obligations to ensure transparency, accountability and regulatory oversight of the EU online space (for more information see below the briefing on Digital services act :EU Legislation in Progress).

The European Parliament (EP) has already voted three resolutions in October 2020 to address and tackle current shortcomings in the online environment. The legislative resolution by Alex Agius Saliba (S&D, MT) asked for a comprehensive revision of the E-Commerce Directive and the imposition of ex ante obligations on large digital platforms with a gatekeeper role. The legislative resolution by Tiemo Wölken (S&D, Germany) asked the Commission to introduce inter alia rules on content management, content curation and online advertisements. The non-legislative resolution by Kris Peeters (EPP, Belgium) called the Commission to update the current EU legal framework governing digital services to address the challenges posed by new technologies and ensure legal clarity and respect for fundamental rights.

The Internal Market and Consumer Protection (IMCO) Committee, the responsible committee, has appointed MEP Christel Schaldemose (S&D Denmark) as rapporteur for the Digital Services Act in January 2021. Christel Schaldemose presented her draft report on the Digital Services Act on 28 May 2021. The rapporteur wants to introduce stricter rules on online marketplaces to better protect consumers, further transparency measures and requirements in order to ensure user protection and strengthen the implementation and enforcement provisions to ensure that no Member State becomes a safe haven for online platforms. Importantly, the rapporteur suggested introducing a ban on targeted advertising, to increase transparency in this field and to give more control to the user with regard to recommender systems.

The Committee on Civil Liberties, Justice and Home Affairs (LIBE), the Committee for Industry, Research and Energy (ITRE) and the Legal Affairs Committee (JURI) are associated committees. The LIBE Committee, the ITRE Committee, the JURI Committee, the Culture Committee (CULT), the Committee on Transport and Tourism (TRAN) and the Committee on Women's Rights and Gender Equality (FEMM) all adopted their opinions in September and October 2021.

The IMCO Committee is working on finding a common position and a vote on the report from MEP Christel Schaldemose is foreseen in December 2021.

The Council agreed its position ('general approach') on the proposal for a Digital Services Act in November 2021. The Council wants, inter alia, to amend the scope of the DSA to explicitly include online search engines, better protect minors online, add obligations for online marketplaces and search engines, as well as stricter rules for very large online platforms, and confer some exclusive enforcement powers to the European Commission.

References:

- EP Legislative Observatory, [Single Market For Digital Services \(Digital Services Act\)](#), 2020/0361(COD)
- Council, [What is illegal offline should be illegal online: Council agrees position on the Digital Services Act](#), Press release, 25 November 2021
- European Parliament, [IMCO timetables](#), November 2021
- European Parliament, [IMCO draft report on Digital Services Act](#), 28 May 2021
- European Parliament, [LIBE opinion on Digital Services Act](#), 3 September 2021
- European Parliament, [ITRE opinion on Digital Services Act](#), 28 September 2021
- European parliament, [JURI opinion on Digital Services Act](#), 30 September 2021
-
- European economic and social committee, [Opinion on the Digital Services Act](#), 27 April 2021

Further reading:

- European Parliament, [Digital services act :EU Legislation in Progress](#), EPRS, March 2021

- European Parliament, [Digital Services Act: Initial Appraisal of a European Commission Impact Assessment](#), EPRS March 2021
- European Parliament, [Online platforms: Economic and societal effects](#), EPRS study, March 2021
- European Parliament, [Collection of studies for the IMCO Committee - Digital Services Act](#), May 2020
- European Parliament, [Digital services act, European added value assessment](#), EPRS Study, October 2020
- European Parliament, [Reform of the EU liability regime for online intermediaries: Background on the forthcoming digital services act](#), May 2020

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HYPERLINK REFERENCES

- [https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2020/0361\(COD\)&l=en](https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2020/0361(COD)&l=en)
- <https://www.consilium.europa.eu/en/press/press-releases/2021/11/25/what-is-illegal-offline-should-be-illegal-online-council-agrees-on-position-on-the-digital-services-act/>
- [https://www.europarl.europa.eu/cmsdata/242693/Timetables November 2021.pdf](https://www.europarl.europa.eu/cmsdata/242693/Timetables%20November%202021.pdf)
- https://www.europarl.europa.eu/doceo/document/IMCO-PR-693594_EN.html
- https://www.europarl.europa.eu/doceo/document/LIBE-AD-692898_EN.html
- https://www.europarl.europa.eu/doceo/document/ITRE-AD-693552_EN.html
- https://www.europarl.europa.eu/doceo/document/JURI-AD-694960_EN.html
- <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/digital-services-act>
- [https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/689357/EPRS_BRI\(2021\)689357_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/689357/EPRS_BRI(2021)689357_EN.pdf)
- [https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/662627/EPRS_BRI\(2021\)662627_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/662627/EPRS_BRI(2021)662627_EN.pdf)

- [https://www.europarl.europa.eu/thinktank/fr/document.html?reference=EPRS_STU\(2021\)656336](https://www.europarl.europa.eu/thinktank/fr/document.html?reference=EPRS_STU(2021)656336)
- [https://www.europarl.europa.eu/RegData/etudes/BRIE/2020/652712/IPOL_BRI\(2020\)652712_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2020/652712/IPOL_BRI(2020)652712_EN.pdf)
- [https://www.europarl.europa.eu/RegData/etudes/STUD/2020/654180/EPRS_STU\(2020\)654180_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2020/654180/EPRS_STU(2020)654180_EN.pdf)
- [https://www.europarl.europa.eu/thinktank/fr/document.html?reference=EPRS_IDA\(2020\)649404](https://www.europarl.europa.eu/thinktank/fr/document.html?reference=EPRS_IDA(2020)649404)
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