



Brussels, 17 November 2022

ERGA welcomes the entry into force of the DSA, which will bring about a safer digital environment in Europe, and is prepared for its application

On the 27th of October the Digital Services Act (DSA) has been published in the Official Journal of the EU. ERGA and its members welcome this important step that led to the entry into force of the new rules yesterday, the 16th of November. The DSA is one of the most advanced pieces of legislation whose aim is to regulate the online environment by introducing harmonised rules on the providers of intermediary services and, at the same time, safeguarding the fundamental rights of users. The new rules will contribute to a well-functioning digital single market, create a safer online environment and affirm a true European digital sovereignty. In this regard, the DSA introduces a set of due diligence rules that intermediaries, including online platforms and, in particular, VLOPSEs (i.e. very large online platforms and very large online search engines), will have to respect concerning the illegal and/or harmful content intermediated on their services. Specific obligations deal with content moderation, transparency of algorithms, online advertising, protection of minors, internal complaint-handling system and out-of-court redress mechanisms.

A specific set of new, more stringent obligations will be exclusively imposed to services designated as VLOPSEs in light of their particular role and the potential systemic risks that their services can pose. Of particular importance, are the obligations for VLOPSEs to give access to their data, under set conditions, both to regulators and vetted researchers and let independent auditors check yearly whether they comply with the new obligations and follow the prescribed recommendations.

With regard to the implementation and enforcement of the new provisions, the DSA gives a central role to the Digital Services Coordinators (DSCs) and the other competent authorities. The DSCs will be designated by each Member State and will, among others, have the task, together with the European Commission, to supervise the respect of the new rules by the VLOPSEs. ERGA is convinced that the proper implementation and enforcement of the DSA needs a close and effective cooperation between all concerned actors, including the Commission, in particular and not exclusively on delineation matters or possible synergies with provisions of the AVMS Directive. Moreover, appropriate human and financial resources for the DSCs and effective synergies between all existing specialised actors (e.g. media authorities, data protection authorities, consumer protection authorities, etc.) will be crucial.

In this regard and considering the cross-border nature of the majority of the services provided by online platforms and VLOPSEs, as well as the peculiar nature of media services, ERGA offers its well-functioning existing structure, as the appropriate place for such cooperation/synergies to take place.

Irrespective of a possible designation as national DSCs, media regulators across Europe are starting to implement and apply the new legal framework to guarantee an effective and harmonised enforcement of core European values and media regulatory standards. They stand ready to provide their expertise in the implementation of this major regulation, and call upon the Commission to make effective use of exclusive competences towards VLOPSEs to guarantee the proper implementation of new legal framework.

About ERGA:

The European Regulators Group for Audiovisual Media Services (ERGA) consists of the national regulatory authorities in the field of audiovisual media services. ERGA advises the European Commission and facilitates cooperation between the regulatory bodies in the EU. Mr Karim Ibourki, President of the Belgian CSA (Conseil supérieur de l'audiovisuel) is the current Chairperson of ERGA.

Read more about the ERGA position on the DSA:

<https://erga-online.eu/wp-content/uploads/2022/02/2022-02-18-DSA-ERGA-priorities-for-trilogues-position-paper-final.pdf>