Steinrötter / Heinze / Denga

EU Platform Law

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edited by

Björn Steinrötter
Christian Heinze
Michael Denga

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Foreword

In recent years, the European Union has demonstrated remarkable legislative energy in addressing the complex digital landscape spanning data, artificial intelligence (AI), and digital platforms. The EU legislature has been extremely prolific in framing regulations within this digital triad. However, the inherent complexity of these fields, coupled with the EU's multi-layered governance structure, poses substantial challenges for stakeholders navigating this evolving regulatory landscape.

Platform regulation has been a central focus, with recent legislative milestones including the Digital Services Act (DSA), the Digital Markets Act (DMA), and, more recently, the European Media Freedom Act (EMFA). While these regulations target platform governance, they also have significant implications for data and AI regulation. Conversely, platform operators must also consider a wider array of EU rules impacting data and AI to ensure comprehensive compliance.

This handbook aims to clarify and organize the EU's supranational requirements, identify pertinent legal issues, and suggest possible solutions. It strives to answer pressing practical questions with careful legal analysis, and we are deeply grateful to the authors for their expert contributions, which are indispensable to this work. We also extend our sincere thanks to Dr. Marco Ganzhorn of Nomos, whose committed, skilled, and constructive guidance was invaluable throughout the creation of this book.

Potsdam/Heidelberg/Halle, November 2024 The Editors

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List of Authors

Ranjana Andrea Achleitner holds a doctoral degree in law and a Master's degree in political science. She is a Postdoctoral Research Fellow at the Department of European Law at the Johannes Kepler University Linz, where she works on her post-doctoral thesis (Habilitation). Her doctoral thesis on the Digital Single Market (Geoblocking) was recognized with awards, and her research has received additional recognition. In 2023, she had the opportunity to present her research and gain new insights on online platforms and freedom of speech at the Information Law Institute at the New York University. Additionally, she serves as the Academic Coordinator of the European Documentation Centre of the European Commission at the Johannes Kepler University.

Dominik Arncken has worked as a lawyer with several digital platforms and is now a legal policy officer with Germany's Federal Ministry of Economic Affairs and Climate Action.

Dr. *Malek Barudi*, M.Jur. (Oxford) is a German-qualified attorney (Rechtsanwalt) and partner at international law firm Taylor Wessing. He acts for his clients from tech, media, entertainment, and science sectors in complex copyright disputes and other technology related litigation, frequently involving the legal framework for Internet service providers.

Hannes Bastians is a PhD candidate at the University of Potsdam (Prof. Dr. Björn Steinrötter) and a LL.M. candidate at the University of Cambridge. His research particulary focuses on the civil law aspects of digitalisation, contracts on digital products and tokens as well as the regulation of artificial intelligence.

Dr. *Matthias Berberich*, LL.M. (Cambridge), is lawyer in the IT, IP, and TMT practice group at Hengeler Mueller's Berlin office. He advises and represents companies and business associations, predominantly from the IT, technology, infrastructure, communication and media sectors. His practice focuses on technology-related M&A transactions, complex outsourcing, IT infrastructure and joint venture projects, litigation and regulatory advice, inter alia, for internet, telecommunications, media, fintech, e-commerce and data-driven business models. He regularly publishes on digital regulation and data economy topics and holds visiting lectures.

Dr. *Albrecht Conrad*, LL.M. (Columbia University) is a partner of Hengeler Mueller in London. He represents clients in matters of copyright and IP as well as technology and media regulation before German and European courts.

PD Dr. *Michael Denga* completed his PhD in the field of collective IP-rights management in 2014 at the Faculty of Law of the Humboldt University of Berlin (Germany). There he also received his habilitation in the subjects of European and German private and business law as well as in IT- and IP law in 2022. Since then, he has been an interim professor for private and business law at the Martin Luther University Halle-Wittenberg (Germany). He holds an LL.M. of King's College London and a Maîtrise en Droit of Paris II (Assas). He also has been a research fellow at the Weizenbaum Institute and the European New School of Digital Studies. His research focus lies at the junction of corporate- and technology law, taking a special interest in the corporate governance of digital business.

Ak. Rat Dr. *Max Dregelies* is a senior research assistant at the chair of Prof. Dr. Benjamin Raue (Trier) and research fellow at the Institut für Recht und Digitalisierung Trier (IRDT, Institute for Law and Digitalisation Trier). He researches and teaches mainly on platform regulation (DSA), intellectual property, media and personality rights.

Prof. Dr. *Christian Heinze*, LL.M. (Cambridge), is Professor of Civil Law, Commercial Law, EU Law and Comparative Law at Ruprecht Karls University of Heidelberg (Germany).

Prof. Dr. *Veronica Hoch-Loy* is a Junior Professor of Civil Law, Intellectual Property Law and Digitalization Law at the University of Bayreuth. Her research focuses on digitalization-related issues of civil law and commercial law.

Tom Kettler is a PhD candidate and researcher at Ruprecht Karls University of Heidelberg (Prof. Dr. Christian Heinze).

Carsten König is a postdoctoral researcher and senior lecturer at the University of Cologne. He has been a visiting lecturer at the Goethe University Frankfurt and the University of Würzburg, a postdoctoral fellow at the Harvard Law School Program on Corporate Governance and a visiting researcher at the Max Planck Institute for International, European and Regulatory Procedural Law in Luxembourg. His research interests include competition law and regulation (especially digital markets and energy markets), corporate law, private law, law and economics, and comparative law.

Sarah Legner is a Professor of Civil Law, Competition and Intellectual Property Law, European Private Law at the EBS University of Business and Law, Oestrich-Winkel. Her research focuses on the protection of competition in digital markets.

Sebastian Louven is a competition and regulatory lawyer, as well as a certified specialist in international business law, at Louven Rechtsanwälte PartGmbB in Detmold (Germany). His practice and research focus on competition law in the digital economy and telecommunications law. He also advises clients on European state aid law.

Prof. Dr. *Juliane Mendelsohn* is Junior-Professor of Law and Economics of Digitization and the Technical University of Ilmenau. She wrote her PhD thesis on systemic risk and banking crises under the supervision of Prof. Dr. Heike Schweitzer and currently focusses on competition and regulatory policy, in particular the regulation of Big Tech.

Dr. *Sarah Milde* is a competition partner at Hengeler Mueller's Munich office and advises in all areas of European and German competition law, covering merger control proceedings, antitrust litigation and compliance trainings/audits. In antitrust litigation, her focus is on dominance and cartel investigations (including the digital sector) and follow-on damages litigation. With her long-standing experience on the economic side of follow-on damages litigation, Dr. Sarah Milde has a strong focus on the crucial economic parameters of a case. She represents clients before the European Commission, the German Federal Cartel Office, and the European and German courts.

Philipp Richter, LL.M. (University College London), is a PhD scholar and researcher in the field of Data Governance and Law and Economics of Digitization and affiliated with the MPI Bonn (Collective Goods) and the Technical University of Ilmenau.

Dr. *Fiona Savary* is an attorney admitted to the bar in both Germany and Switzerland. Her practice focuses on IT law and digital regulation. Dr. Savary is a counsel at law firm CMS in Munich and has extensive experience in advising international clients on complex IT projects, including on contentious matters. She regularly publishes on digital regulation and data economy topics.

Dr. *Lina Marie Schauer* is a research assistant at law firm Nordemann Czychowski & Partner. Previously, she conducted research in the field of competition law and platform regulation at the University of Potsdam, Germany.

Sebastian Schwamberger is Assistant Professor for Civil Law, Commercial Law and the Law of Digitalization at the University of Rostock.

Prof. Dr. *Björn Steinrötter* is a Junior Professor in the field of IT law and Media law (tenure track) and Co-Director of the research centre 'Intellectual Property - Digitalisation - Competition' at the University of Potsdam, Germany.

Alexander Tribess is a founding partner of GreenGate Partners. He is a legal advisor to both start-up/scale-up and established technology companies. His focus is on integrating new technological developments into contracts and corporate compliance structures and processes. Alexander Tribess has published several articles on technology law and data protection issues in Germany and has contributed to international publications on the development of a legal framework for AI. He chairs the AI Substantive Law Committee of the ITechLaw Association.

Lennard Ullrich is writing his doctoral thesis on the Data Act with Prof. Dr. Björn Steinrötter and works as a research assistant at A&O Shearman in Hamburg.

CHAPTER 1:
DSA

§ 1
Introduction

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A. Preliminary remarks

1 With the Digital Services Act (DSA)[1], the supranational legislator has created **specific liability privilege rules and special due-diligence obligations for online intermediary services**, which fully apply since 17 February 2024. In terms of both the scope and depth of the regulation, this is a globally unprecedented step towards regulating intermediary services, in particular online platforms.[2] The regulation does not follow a sector-specific approach, but rather **applies horizontally** to a broad range of services.[3]

2 Initially, the **legislative project** went **largely unnoticed.**[4] However, once the public realised what fundamental and substantial regulations were to be created for online intermediary services, **the number and intensity of reports and opinions accompanying the legislative process swelled steadily**. Superlatives and buzzwords were not spared in the discussions that arose from that point. The various 'interest groups' or lobby groups had a lot at stake, of course. Some claimed an attack on the platforms' business models, some warned that the freedom of the internet was endangered, and others demanded

[1] Digital Services Act – 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, OJ 2022 L 277, 1.

[2] Gerdemann/Spindler GRUR 2023, 115 (124).

[3] Janka/Kuß/Waletzko ZdiW 2021, 44 (46).

[4] Thus, at the end of December 2020, one could still read articles such as "Watch out, online platforms: The Digital Services Act is coming"; cf. Steinrötter EWS 6/2020, Die erste Seite.

the containment of rights violations or hate and incitement tirades, or have spoken in favour of the stronger regulation of (maybe too) potent platforms. In spite of the uproar, **the DSA was passed remarkably quickly**, less than two years after the European Commission's draft was made available.[5] It aims to bridge the gap between the conflicting positions outlined above and – in its own words – ensure a 'safe, predictable and trusted online environment that facilitates innovation and in which fundamental rights enshrined in the Charter, including the principle of consumer protection, are effectively protected' and 'contribute to the proper functioning of the internal market for intermediary services' (Art. 1(1) DSA).

With **156 recitals, 93 articles, and altogether more text than the** GDPR[6] – which, however, has 173 recitals and 99 articles – the DSA comes across as extremely opulent. If one adds the (expected) delegated acts[7], along with the implementing acts and guidelines of the European Commission, it quickly becomes clear from the quantitative results alone that the addressed platforms can expect to put forth **considerable additional efforts obtaining legal advice.**[8] This applies all the more since – as the contents of this handbook demonstrate – other recent EU and accompanying legislation must also be taken into account. Furthermore, **the DSA is brimming with indeterminate legal terms**. This allows for future changes to the platform regulations, as they are open to development and guided by fundamental rights, in which the interests of users and the general public can be adequately accounted for.[9] Here, the ECJ will have to gradually make adjustments / concretisations to the law, which will be difficult for platform operators to anticipate. For the time being, it will therefore be a matter of complying with the requirements as best as possible, whereby the recommendation is to opt for the 'stricter' handling of the regulatory requirements in case of doubt, in view of the quite consumer-friendly tendencies of the ECJ case law. 3

The EU legislator **bases its legislative competence to issue the DSA 'in particular' on Art. 114 TFEU**, which it states even before the recitals in the official document. **However,** the internal market harmonisation clause, which refers solely to economic regulatory aspects, does **not apply to media and content regulation**. Rather, these areas remain within the competence of the Member States.[10] Nevertheless, the DSA also deals with the handling of media content, insofar as it is distributed by online intermediary services, especially since various platforms have a serious influence on the formation of individual and public opinion.[11] 4

[5] European Commission, '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/ECCOM(2020)', 15.12.2020, COM(2020) 825 final; on this, for example, Beck DVBl 2021, 1000; Berberich/Seip GRUR-Prax 2021, 4; Busch/Mak EuCML 2021, 109; Härting/Adamek CR 2021, 165; Holznagel CR 2021, 123; Janal K&R supplement 1 to Issue 6/2021, 6; Kaesling ZUM 2021, 177; Kalbhenn/Hemmert-Halswick ZUM 2021, 184; Savova/Mikes/Cannon CRi 2021, 38; Schmid/Grewe MMR 2021, 279; Spindler GRUR 2021, 545; Spindler GRUR 2021, 653.

[6] General Data Protection Regulation – Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), OJ 2016 L 119, 1.

[7] Cf., e.g., C(2023) 6807 final.

[8] Systematic preparation of compliance obligations under the DSA in v. Lewinski/Klink RDi 2023, 183.

[9] Cf. also Raue/Heesen NJW 2022, 3537 (3543).

[10] Beaujean/Oelke/Wierny MMR 2023, 11 (13).

[11] Beaujean/Oelke/Wierny MMR 2023, 11 (13).

B. From the E-Commerce Directive to the Digital Services Act

5 Without doubt, the E-Commerce Directive 2000/31/EC[12] has its merits, which the DSA legislator also acknowledges in rec. 16(1)(1) DSA, according to which the legal framework at that time contributed to legal certainty for intermediary services, which in turn promoted their expansion and rapid development.[13] The DSA therefore intends to preserve this legal framework,[14] which is why, **according to Art. 2(3) DSA,** it has **no effect on the application of the E-Commerce Directive 2000/31/EC.** Pursuant to Art. 89(1) DSA the Directive is only amended to the extent that **Art. 12–15 E-Commerce Directive** and thus the liability privileges for intermediary services as well as the prohibition of general monitoring obligations are **deleted.** They are replaced by **Art. 4–6, 8 DSA**. These provisions largely have the same content as the respective provisions of the Directive, with certain concretisations concerning the participation of the parties concerned in the case of blocking or deletion of content. However, there is still no general obligation to monitor intermediary services. References in other legal acts to Art. 12–15 E-Commerce are deemed to be references to Art. 4–6, 8 DSA in accordance with Art. 89(2) DSA. The **country-of-origin principle** from Art. 3 E-Commerce Directive 2000/31/EC **remains in force** (→ § 2 mn. 67 et seqq.). Accordingly, the formal replacement of the liability provisions as the 'cornerstone of the internet economy'[15] did not take place because their contents were excessively outdated (→ § 3 mn. 7 et seqq.). The fear in parts of the digital economy that this could lead to a substantial softening of Art. 14 E-Commerce Directive has thus ultimately proven to be unfounded. Rather, the EU legislator was primarily concerned with presenting a **Europe-wide regulation solution that is directly binding** (Art. 288(2) TFEU), which – in contrast to directive requirements that have to be transposed into national law (Art. 288(3) TFEU) – is completely detached from national peculiarities (→ § 3 mn. 19 et seqq.).

6 Although an EU regulation is now in force and thus the direct applicability of its provisions is ensured, it will still primarily be **the Member States that determine what content** is **illegal.**[16] Thus, **a central reference point of numerous DSA provisions remains unharmonised**. For example, Art. 3(h) DSA defines the term 'illegal content' as 'any information that, in itself or in relation to an activity, including the sale of products or the provision of services, is not in compliance with Union law or the law of any Member State which is in compliance with Union law, irrespective of the precise subject matter or nature of that law'. Further refinement is provided by rec. 12 DSA, which states that the term 'should broadly reflect the existing rules in the offline environment'. Furthermore, 'that concept should be understood to refer to information, irrespective of its form, that under the applicable law is either itself illegal, such as illegal hate speech or terrorist content and unlawful discriminatory content, or that the applicable rules render illegal in view of the fact that it relates to illegal activities'. As specific examples, the recital then mentions 'the sharing of images depicting child sexual abuse, the unlawful non-consensual sharing of private images, online stalking, the sale of non-compliant or counterfeit products, the sale of products or the provision of services in infringement of consumer

[12] Directive 2000/31/EC of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce'), OJ 2000 L 178, 1.

[13] Rec. 16 sent 1. DSA. This is likely to apply in particular to the liability privileges; Gielen/Uphues EuZW 2021, 627 (632).

[14] Rec. 16(1)(2) DSA.

[15] Berberich/Seip GRUR-Prax 2021, 4 (6).

[16] This is criticised by Dregelies MMR 2022, 1033 (1038).

protection law, the unauthorised use of copyright-protected material, the illegal offer of accommodation services or the illegal sale of live animals'. The **term 'hate speech'** has been incorporated into the recital from the **'marketing language' of the COM**, which has probably also caught on in the journalistic reporting of the legislative process. It is not a legal term,[17] but a term originating from the political discourse in the USA.[18] Ultimately, in the respective legal systems of the Member States, it refers to criminal offences such as incitement to violence and/or hatred based on racist or xenophobic motives.[19] Not least at this point, there are likely to be **discrepancies among the individual Member States.**

7 The fact that a Regulation replaces a Directive (albeit only partially due to the continued existence of the E-Commerce Directive) is a trend in recent EU legislation. However, the differences between the objectives of the E-Commerce Directive and those of the DSA are not insignificant. Whereas pursuant to its Art. 1(1)(2) the E-Commerce Directive was intended 'to contribute to the proper functioning of the internal market by ensuring the free movement of information society services between the Member States' and 'without prejudice to the level of protection for, in particular, public health and consumer interests, as established by Community acts and national legislation implementing them in so far as this does not restrict the freedom to provide information society services', **the DSA significantly broadens its teleological fundament compared to the E-Commerce Directive**. The smooth functioning of the internal market for intermediary services is no longer to be found exclusively in the enumeration of Art. 1(1) DSA. Rather, the aim is 'a safe, predictable and trusted online environment that facilitates innovation and in which fundamental rights enshrined in the Charter, including the principle of consumer protection, are effectively protected'. Ultimately, it is about nothing less than giving the digital space a new and modern framework.[20] However, the DSA also introduces entirely new obligations (especially for very large online platforms, VLOPs).

C. Legal policy background

8 The relevance of intermediary services, both for the EU economy and for the everyday life of citizens, who often use these services on a daily basis, is already prominently emphasised in rec. 1(1)(1) and (3). DSA. Online platforms are therefore by no means to be fundamentally called into question. However, the legislator wants to **address the new risks and challenges** that are emerging as a result of the digital transformation and the increased use of such online platforms – namely, 'for individual recipients of the relevant service, companies and society as a whole'.[21] In particular, these are problems related to taking action against illegal content and online disinformation. **Scientific studies** have long since identified the connection between procedures of disinformation or attention economy and the logic of platforms.[22] To put it briefly, it is usually the most adventurous statements that experience the greatest dissemination, which is why **social media**

[17] Critically, already Steinrötter, 'Digital Services Act zur Regulierung großer Digitalkonzerne' (science media center germany, 25.04.2022) <www.sciencemediacenter.de/alle-angebote/rapid-reaction/details/news/digital-services-act-zur-regulierung-grosser-digitalkonzerne/> (last accessed: 23.7.2024).

[18] Gerdemann/Spindler GRUR 2023, 3 (4) are correct, pointing out that this is why the addition 'unlawful' was therefore ultimately added.

[19] Gerdemann/Spindler GRUR 2023, 3 (4).

[20] Dregelies MMR 2022, 1033.

[21] Rec. 1(1)(4) DSA.

[22] Wampfler in Klein/Schmidt, p. 111; Lobigs, p. 37 et passim.

platforms in particular resemble a megaphone – not only, but also – for advocates of extreme opinions.[23] Disinformation campaigns within (also algorithmically compiled) filter bubbles can virtually become a **propagandistic weapon.**[24] At the same time, they are difficult to combat in a liberal democracy.[25]

D. Goals

9 As already mentioned, Art. 1(1) DSA states: 'The aim of this Regulation is to contribute to the proper functioning of the internal market for intermediary services by setting out harmonised rules for a safe, predictable and trusted online environment that facilitates innovation and in which fundamental rights enshrined in the Charter, including the principle of consumer protection, are effectively protected'. It is worth noting that **consumer protection** plays an even more central role than under the aegis of the E-Commerce Directive, which can be seen, inter alia, in the adaptation of the liability privilege in Art. 6(3) DSA as well as the newly stipulated due-diligence obligations of Chapter 3, Section 4.[26] From the beginning it was also a concern of the draft regulation to **level out existing fragmentation within the digital single market**[27] **or to counteract its development**.[28] The legislative coherence was indeed threatened by various laws or legislative initiatives within the Member States, which, incidentally, regularly faced allegations of being unconstitutional and/or contrary to EU law. This applied, for example, to the German 'NetzDG',[29] the Austrian Communications Platforms Act, and the French 'Loi Avia',[30] which has been rejected as partly unconstitutional. The reason for these national legislative efforts was that the E-Commerce Directive seemed to be 'outdated", i.e. it was no longer considered capable of adequately dealing with the **new economic and social dangers** posed by the modern **platform economy** (in addition to numerous advantages), e.g. criminal offences that are difficult to prosecute, dangers to informational self-determination, copyright infringements, market concentration and the abuse made possible by this, as well as a flood of hate, agitation, and fake news.[31] The reason for the national legislative projects is probably also the previous restraint at the EU level, which at best issued vague and non-binding codes of conduct, recommendations or communications.[32]

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[23] Gielen/Uphues EuZW 2021, 627 (632).

[24] Gielen/Uphues EuZW 2021, 627 (632).

[25] Ladeur, 'Schutz vor Verletzung von Persönlichkeitsrechten und "Desinformation" in sozialen Medien unter Bedingungen der politischen Polarisierung' (Verfassungsblog, 13.12.2022) <verfassungsblog.de/persönlichkeitsrecht-soziale-medien/> (last accessed: 23.7.2024).

[26] Dregelies VuR 2023, 175 (176): 'nothing less than a paradigm shift'.

[27] On legal fragmentation in the Digital Single Market: Janal K&R Supplement 1 to Issue 6/2021, 6 mn. 1 with further evidence.

[28] Rec. 2(1)(3) and (4) DSA; BT Wissenschaftliche Dienste No. 10/20 of 15.9.2020, 1; Raue/Heesen NJW 2022, 3537; Steinrötter EWS 6/2020, Die erste Seite; Wilman, 'The Digital Services Act (DSA) – An Overview' (Social Science Research Network, 16.12.2022) <ssrn.com/abstract=4304586> or <dx.doi.org/10.2139/ssrn.4304586> (last accessed: 23.7.2024).

[29] Guggenberger NJW 2017, 2577 (2581 et seq.), for example, sees an incompatibility with the country-of-origin principle; Spindler ZUM 2017, 473 (474 et seqq.), in detail; Kalscheuer/Hornung NVwZ 2017, 1721, for example, assume an unconstitutionality.

[30] Conseil Constitutionel, Décision n° 2020–801 DC du 18 juin 2020; cf. Heldt, 'Loi Avia: Frankreichs Verfassungsrat kippt Gesetz gegen Hass im Netz' (JuWissBlog No. 96/2020, 23.6.2020) <www.juwiss.de/96-2020/> (last accessed: 23.7.2024).

[31] Dregelies MMR 2022, 1033.

[32] Gielen/Uphues EuZW 2021, 627 (632); on the traditional reluctance of the EU to regulate digital processes: Beck DVBl 2021, 1000.

Legal harmonisation via EU regulation is intended to 'provide businesses with access to new markets and opportunities to exploit the benefits of the internal market, while allowing consumers and other recipients of the services to have increased choice'.[33] At the same time, it should increase legal certainty (especially for developers) and drive interoperability.[34] The technology-neutral designs aim to promote innovation.[35] 10

Responsible and diligent conduct on the part of the providers of intermediary services appears to be a basic prerequisite for ensuring that natural persons may exercise in particular their right to the freedom of expression and information, the freedom to conduct a business, the right to non-discrimination, and that the achievement of a high level of consumer protection is guaranteed.[36] Various other recitals (e.g. rec. 9 et seq., 40 DSA) make it clear at the same time that the DSA does not only pursue **economic** but also **democratic and socially relevant concerns**, freedom of expression and information, including freedom of the media and media pluralism.[37] 11

E. Overarching regulatory concept

The DSA establishes specific liability exemption rules and special due-diligence obligations for online intermediary services that offer their products to users in the EU (Art. 1(2)(a)(b) DSA), whereby the **procedural enforcement architecture** (Art. 1(2)(c) DSA) is reminiscent of the GDPR mechanisms,[38] but takes them a step further.[39] The continuation of the liability privilege for service providers for the user content they provide in Chapter II is a core aspect of the DSA. In addition, there are numerous due diligence and transparency obligations (Chapter III). These primarily concern content moderation and (other) restrictions on user content and will entail a noticeable additional organisational effort.[40] As an overarching conceptual rule of thumb, it can be stated that the duties of online intermediary services vary depending on their role, size, and impact in the online environment, which is **a risk-based approach**[41] (for more details, see → § 2 mn. 2, 19 et seqq., → § 5 mn. 7 et seqq.). An increasingly smaller group of norm addressees must fulfil **increasingly stricter requirements** (four-level regulation; Figure 1).[42] 12

[33] Rec. 2(1)(3) DSA.
[34] Rec. 4(1)(3) DSA.
[35] Rec. 4(1)(4) DSA.
[36] Cf. Rec. 3 DSA.
[37] Beaujean/Oelke/Wierny MMR 2023, 11 (12).
[38] The same is true regarding the territorial scope of application via a unilateral conflict-of-laws rule; see Lutzi Dalloz IP/IT 2023, 278.
[39] Janal K&R Supplement 1 to Issue 6/2021, 6; Raue/Heesen NJW 2022, 3537.
[40] Schäufele/Krück GRUR-Prax 2023, 120.
[41] Achleitner MR-Int 2022, 114 (116 et seqq.).
[42] Gerdemann/Spindler GRUR 2023, 3.

- Intermediary services, Art. 3(g) DSA
- Hosting services, Art. 3(g)(iii) DSA
- Online platforms, Art. 3(i) DSA
- Very large online platforms, Art. 33(1) DSA

Figure 1[43]

13 The general provisions (Art. 1–3 DSA) are followed by provisions on the lowest level of regulation, which applies to all intermediary service providers (Art. 4–15 DSA).[44] Then, some further requirements apply specifically to hosting service providers, including online platforms (Art. 16–18 DSA). An additional increase or tightening of the set of obligations then arises for online platforms (Art. 19–32 DSA), before the last and most obligation-intensive level regulating providers of very large online platforms and very large online search engines (Art. 33–48 DSA).[45] These last two stages appear groundbreaking, as the EU legislator is venturing for the first time to comprehensively regulate online platforms as central information intermediaries of Web 2.0.[46] Remarkable novelties result from, among other things, the provisions on dark patterns in Art. 25 DSA (→ § 9 mn. 87 et seqq.).[47]

14 Chapter IV then deals with supervision and enforcement (Art. 49 et seqq. DSA). The supervisory structure is not exactly clear. The **COM** plays **a strong role** within the legal act, especially in the supervision and enforcement of the DSA requirements vis-à-vis the very large online platforms or search engines (Art. 64 et seqq. DSA). This indeed suggests a more vigorous enforcement than that of the GDPR in some parts of Europe,[48] but may at the same time leave a somewhat **insipid aftertaste** in light of the requirement of institutional balance ("Konzept der Staatsferne").[49] The fact that the EU COM has initiated the DSA itself, i.e. has granted itself at least some of the authority, is also quite remarkable. Apart from that, however, it remains with the **competent national authorities**. Probably because digitisation is blurring the traditional market boundaries and EU legislation has recently tended to regulate horizontally rather than sector-specifically, it is by no means clear who the competent authority might be.

15 In addition, the DSA provides the central figure of the **'Digital Services Coordinator'**, who, according to Art. 49(2)(2) DSA, is in principle 'responsible for all matters relating to supervision and enforcement of this Regulation in that Member State, unless the Member State concerned has assigned certain specific tasks or sectors to other competent authorities'. The authority that fills this role must have **competence in media and**

[43] According to European Commission, 'The Digital Services Act' <commission.europa.eu/strategy-and-policy/priorities-20192024/europe-fit-digital-age/digital-services-act-ensuring-safe-and-accountable-online-environment_de> (last accessed: 23.7.2024).

[44] On the effects on online marketplaces and comparison platforms: Busch ZdiW 2021, 88.

[45] On search engines in the DSA: Sesing-Wagenpfeil CR 2023, 113.

[46] Gerdemann/Spindler GRUR 2023, 115 (124): 'the two heart chambers of the DSA'.

[47] Dregelies MMR 2023, 243; in general on the phenomenon: Gertz/Martini/Seeliger/Timko LTZ 2023, 3.

[48] Raue/Heesen NJW 2022, 3537 (3543).

[49] Cf. Beaujean/Oelke/Wierny MMR 2023, 11 (13).

data law, even antitrust and consumer protection law.[50] There are already differing approaches among the individual EU member states, e.g. Italy (Autorità Garante per le Garanzie nelle Comunicazioni), France (Autorité de régulation de la communication audiovisuelle et numérique), Germany (Bundesnetzagentur für Elektrizität, Gas, Telekommunikation, Post und Eisenbahnen) and Ireland (Coimisiún na Meán).[51]

Finally, the **European Board for Digital Services** is to coordinate the different supervisory bodies to a certain extent and thus ultimately ensure uniform application of the law and public administration practices throughout the Union (Art. 61–63 DSA). **16**

The **sanction mechanisms** in the form of fines (Art. 74 DSA) and periodic penalty payments (Art. 76 DSA) are likely to prove effective.[52] The DSA does not contain any provisions on **private enforcement** (cf., however, Art. 54 DSA), but this does not mean that private enforcement is inadmissible. This is rather a matter for the respective Member State law.[53] **17**

F. Outlook

Whether and to what extent the DSA will prove itself for the internal market remains to be seen. It also remains to be seen whether there will be a **Brussels Effect**, similar to the GDPR, i.e. whether other regions of the world will follow the EU approach in terms of regulatory law. Such **competition between legal systems in the sense of a race to the top** would certainly seem desirable.[54] Since those considerations are based on the assumption that regulations, just like products, are subject to the economic mechanism of supply (by the legislator) and demand (by those subject to the law), it would, however, also remain conceivable that those subject to the law, in their search for the most attractive regulatory framework, might initiate a race to the bottom in the form of a damaging deregulation spiral.[55] **18**

Finally, it is worth noting that few regulatory areas so forcefully demonstrate the urgent need for a **supranational interpretation doctrine** within the EU multi-level system as is increasingly the case in IT law.[56] The reason is that, despite the supposed clarity of this regulation, difficult questions of demarcation are likely to arise in the future.[57] **19**

[50] On the topic: Schumacher, 'Deutschland sucht den Digital Services Koordinator – Zur nationalen Umsetzung des Digital Services Act' (JuWissBlog No. 50/2022, 18.8.2022) <www.juwiss.de/50-2022/> (last accessed: 23.7.2024); for a reorganisation of the existing supervisory structure in the area of platforms and the creation of a new 'strong digital agency': Busch ZdiW 2022, 275 (276).

[51] van Cleynenbreugel/Mattioli, 'Digital Services Coordinators and other competent authorities in the Digital Services Act: streamlined enforcement coordination lost?' (European Law Blog 49/2023, 30.11.2023) <https://europeanlawblog.eu/2023/11/30/digital-services-coordinators-and-other-competent-authorities-in-the-digital-services-act-streamlined-enforcement-coordination-lost/> (last accessed: 23.7.2024); see the current status on: <https://digital-strategy.ec.europa.eu/en/policies/dsa-dscs> (last accessed: 23.7.2024).

[52] This is also the assessment of Savary BB 2022, Die erste Seite.

[53] Gerdemann/Spindler GRUR 2023, 3 (4).

[54] Steinrötter EWS 5/2022, Die erste Seite.

[55] On the different levels of competition between rule makers: Steinrötter EWS 5/2022, Die erste Seite.

[56] Steinrötter GRUR 2023, 216; cf. on the DSA also Schmid/Grewe MMR 2021, 279 (282); in detail Raue ZUM 2023, 160.

[57] Schmid/Grewe MMR 2021, 279 (282).

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