

The EU's Digital Services Act

What's in It for Civil Society?

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Summary

On 16 November 2022, the EU adopted the Digital Services Act (DSA). The DSA is seen as the most ambitious attempt to date to regulate certain aspects of digital services, such as unlawful or harmful content on platforms and moderation systems. The obligations of the DSA will be phased in over the next 10 months. It will be fully applicable to all its addressees by 17 February 2024.

The DSA offers the promise of the effective regulation of many problematic aspects of online services, such as a lack of accountability for companies, low levels of transparency, and of how companies shape online discourse that is essential to democracies and addressing specific problems, such as hate speech and disinformation.

The DSA is only a first step, however. In legislative terms, it is in many aspects a mere sketch. Many of its articles are phrased in a relatively open manner that can be interpreted in many ways. This legislative sketch needs to be filled in by secondary legislation, by concrete actions by regulators and firms and, possibly, also by courts interpreting the meaning of many of its articles. This is the challenge of the coming years. If it goes well, online discourse will be much better regulated and more transparent, and companies will be accountable for the way in which they organise this essential marketplace of political opinion and debate. If it goes badly, the DSA will be made toothless by legal interpretations of its articles that deprive them of their potential.

Civil society organizations (CSOs) have an essential role to play. They have been at the forefront of analysing problematic trends and practices in online discourse. In contrast to government agencies, they are not accused of “surveillance” when they monitor and analyse public online discourse. In contrast to the output of academic research, their findings are made available in a timely manner to inform policy formulation. At the same time, the work of CSOs has been hampered by issues such as the data access that companies do or don’t provide.



Thus, CSOs have a key role to play in making sure that the DSA results in a meaningful system of regulation. But how can they play this role? This guide lays out five axes of CSO engagement with the DSA. These are:

- Monitoring of online space and the application of the DSA's provisions. This may include the detection of new threats.
- Cooperation and/or dialogue with involved actors (platforms, the European Commission, national regulators, etc.)
- Taking up specific roles that the EU's emerging online regulation system offers, namely: Becoming "trusted flaggers" (as per the DSA), becoming signatories of various codes (i.e., the Code of Practice on Disinformation), and cooperating through formats that they may establish.
- Advocating for legal interpretations of DSA norms that result in meaningful accountability and transparency, and effective enforcement. This will include analysis of how the DSA is implemented and interpreted concretely (for example, how companies implement the transparency requirements of the DSA). This may also include advocacy for the further development of DSA norms, secondary legislation, and codes or practices to take account of new threats.
- Supporting and representing users, for example, the victims of online harm, making use of DSA provisions and other legal avenues for complaints or court interventions.

Introduction

The EU's Digital Services Act (DSA) will bring the regulation of online discourse on certain platforms, and especially social media platforms, to a new level. There are a number of provisions in the DSA that will be highly relevant for civil society organisations (CSOs) that work on promoting greater transparency of online discourse, better protections for users and stronger responses to disinformation and hate speech online.

This offers a brief overview of the many avenues that the DSA offers for civil society engagement.

How to think of the DSA? The DSA is an innovative piece of regulation, as many of its articles have no parallel in other jurisdictions. It attempts to regulate many of the issues that have proven to be controversial over the years, such as the work of recommender systems in amplifying unlawful or harmful content, the role of social media in crises (e.g., by spreading disinformation), and the efficiency of content moderation systems.

Many provisions of the DSA are phrased in a relatively open or vague manner. The DSA is a sketch; it will become a full picture over the next years, as its provisions are applied. There will be a struggle over what this picture will ultimately look like. Social media companies are likely to interpret the Act's provisions in the least-restrictive manner, in order to reduce the costs of implementation and to leave them as much freedom of manoeuvre as possible. Conversely, CSOs advocating for a well-regulated online space that reduces harm and serious risks of harm will push for strict interpretations of the articles, so that the DSA results in meaningful transparency and accountability.

This struggle of interpretation will play out at two levels:

- The drafting and adoption of (soft or hard) regulatory acts, such as implementing acts, guidelines and codes of conduct;
- The implementation of provisions by platforms and possible reviews of their action by member states` Digital Service Coordinators (DSCs), the European Commission or, ultimately, the Courts.

Where will the DSA apply? It will apply to any services by intermediary services offered “to recipients of the service that have their place of establishment or are located in the Union, irrespective of where the providers of those intermediary services have their place.” (Article 2). In other words, it depends on whether the user is located within the EU (the territories of its 27 member states).

When will the DSA apply? The DSA entered into force on 16 November 2022. However, the rights and duties as described in the DSA will apply later, depending on the type of regulated entity. The DSA will be directly and fully applicable 15 months after it entered into force – on 17 February 2024. The initial 15-month period will be a starting phase, which is necessary to fully launch the processes as described in the legislation. In February 2023, all platforms and search engines will need to share their user numbers, to determine which platforms will be designated as VLOPs. The obligations of VLOPs will apply a few months after their designation, so this can be expected in summer or autumn of 2023.

What is not covered here? The focus here is on questions of online discourse and societal harm based on platforms` recommender systems and content moderation systems, and on the enforcement of applicable laws and platforms` terms of service. While the DSA also includes provisions for platforms that include options of trading goods and services (see articles 29, 30), these are not covered here.

To whom will the DSA apply? The DSA will [apply](#) to intermediary services, hosting services, online platforms, and very large online platforms (VLOPs), with different obligations depending on their role and size. Under Article 24.2, providers of online services must publish bi-annually the number of users they have in the EU, so that the European Commission can compile the list of VLOPs, and the respective rules will apply to a platform exceeding the threshold of 45 million average monthly active users.

Disclaimer: For the sake of readability, the terms used in the table have sometimes been simplified. For example, where the term used in the table is “users”, the DSA usually refers to “recipients of services”.

Transparency reporting obligations

Relevant DSA Articles & Law



Monitoring of the VLOP designation.

Civil Society Action



To monitor the market of online discourse, and identify emerging players that may fall under DSA.

Article 24

Comments



Platforms have different obligations, depending on their size. CSOs can proactively identify which firms may exceed certain thresholds.

Orders to act against illegal content

Relevant DSA Articles & Law



Companies should remove illegal content if ordered to do so by national authorities and inform them of the execution of the order. National Digital Services Coordinators should be informed of such processes and, in turn, inform all National Digital Services Coordinators of all member states, through a dedicated system.

Civil Society Action



To monitor publicly available information (or request such information, under freedom of information laws) on request by governments to remove illegal content. Analyse such information and report.
Articles 9 and 85 foresee an EU-wide system of information-gathering. If accessible, it will allow for many types of analysis (e.g., statistics on deletion orders per country, per violation, etc.)

Article 9

Comments



Information would have to be obtained from member state authorities (National Digital Services Coordinators).

Orders to act against illegal content

Relevant DSA Articles & Law



Qualitative monitoring of individual cases of content removal.

Civil Society Action



CSOs supporting victims of hate speech or other violations can monitor whether platforms conform to Article 9's obligations on removal. Conversely, they may also support persons whose content is unjustly removed (Article 9 requires notification of users whose content has been removed).

Article 9

Comments



No comments

Points of contact for recipients of services

Relevant DSA Articles & Law



Point of contact (all platforms, even small ones, need to have a single point of contact that is easy to find).

Civil Society Action



CSOs can monitor whether platforms provide this information and use it when they support, for example, individuals.

Comments



Presumably, bigger platforms will fulfil these criteria easily, while smaller ones may not be aware of them.

Legal representatives

Relevant DSA Articles & Law



Even if platforms are not registered in an EU member state, they need to have a legal representative in the EU. Its contacts should be well publicised.

Civil Society Action



This may be relevant for CSOs involved in litigation against companies that offer service in the EU but are not registered there.

Comments



The legal representative will allow for the legally valid delivery of documents.

Article 12

Article 13

Terms and conditions

Relevant DSA Articles & Law



Platforms must publish terms and conditions in “plain, intelligible, user-friendly language”, including information on “policies, procedures, measures and tools used for the purpose of content moderation, including algorithmic decision-making, and human review, as well as the rules of procedure of their internal complaint handling system. They should be available in the 24 official languages of the EU.

Civil Society Action



Regularly assess (for example, by running tests with representative groups) the level of detail and user-friendliness of terms and conditions. In the event of problems, lodge complaints with platforms, observe changes over time, and inform Digital Services Coordinators.

Article 14

Comments



This article is the cornerstone of baseline transparency. For example, on content moderation, all platforms currently [only publish](#) generic information.

Transparency reporting obligations

Relevant DSA Articles & Law



Annual reports on content moderation, including information on take-down orders, notices of trusted flaggers, statistics of automatic handling of complaints versus human review, etc.

The Commission may adopt implementing acts to lay down reporting templates.

Civil Society Action



CSOs can review and analyse these reports, compare platform practices, recommend stronger reporting, and use the data to define and substantiate their positions on moderation issues.

CSOs can make recommendations on the design and details of these templates that will make Article 15 obligations more concrete.

Article 15

Comments



This article builds on reporting obligations under the Code of Practice on Disinformation.

Notice and action mechanisms

Relevant DSA Articles & Law



Notice and Action Procedure: Platforms have to provide an accessible and easy-to-use electronic notice procedure to allow entities or persons to notify them of content they consider to be illegal.

Civil Society Action



CSOs involved in fighting problems like hate speech can use this procedure to notify platforms of illegal content. They can notify platforms as “entities”, avoiding the exposure of individuals in the process. They could consider automated systems for identifying illegal content to make use of the possibilities of this article at scale.

Comments



The DSA does not provide a list of illegal content. Thus, CSOs have to work with 27 national legislations and be able to connect specific content to the national jurisdiction of an EU member state.

Statement of reasons for removals or demotions

Relevant DSA Articles & Law



Users must be informed if their posts are removed or demoted, or their accounts are suspended. Information on possible redress.

Civil Society Action



This is difficult to track, but CSOs can try to gather data from users to assess problems of overblocking or a lack of transparency.

Comments



No comments

Article 16

Article 17

Notification of suspicions of criminal offences

Relevant DSA Articles & Law



Platforms must inform law enforcement authorities if they suspect that a criminal offence involving a threat to the life or safety of a person or persons has taken place, is taking place or is likely to take place.

Civil Society Action



CSOs may verify whether platforms fulfil this duty, for example, in cases of serious hate crimes.

Article 18

Comments



Close cooperation with national authorities is necessary.

Internal complaint-handling systems

Relevant DSA Articles & Law



Platforms must give users the ability to complain against decisions for at least six months after they have been informed of a decision. Users need to be informed without delay about decisions on the complaint, giving reasons.

Civil Society Action



As above, this provision adds to possible redress against decisions (such as overblocking or underblocking) in individual cases.

Article 20

Comments



No comments

Out-of-court dispute settlement

Relevant DSA Articles & Law



If Article 20 does not result in a decision a user finds satisfactory, they (or the entity) can request an out-of-court settlement by a certified body.

This process should be “easily accessible, through electronic communications technology and provides for the possibility to initiate the dispute settlement and to submit the requisite supporting documents online.”

Costs: If the certified body makes a decision in favour of the user, the platform pays the cost. If it decides in favour of the platform, the user does not have to pay costs (except if they in bad faith).

Civil Society Action



As above, this article can play a role for CSOs who support users who face hate speech or other violations of law or terms of service.

Article 21

Comments



This provision does not preclude raising cases in court. It provides an alternative, cheaper and faster avenue for seeking redress.

Note, however, that the decision of the certified body is not legally binding. A platform could refuse to accept it, in which case a user would have to raise a case in court.

Trusted flaggers

Relevant DSA Articles & Law



The idea of “trusted flaggers” is that platforms give priority to their notices on possibly illegal content (reference Article 16).

Any entity can apply to be a trusted flagger. The national Digital Services Coordinators decide about such applications.

Article 22 provides many details on the application to be a trusted flagger, reporting duties, suspension of the status of trusted flagger, etc.

Civil Society Action



CSOs can apply to become trusted flaggers. They would need to show “particular expertise and competence for the purposes of detecting, identifying and notifying illegal content” and be independent from platforms.

Article 22 makes clear that trusted flaggers have a “designated area of expertise”. For CSOs, this could typically be the identification of hate speech or elements of disinformation that are illegal.

Some CSOs already act as trusted flaggers. They may confirm that status through the Article 22 process.

Article 22

Comments



CSOs need to consider some issues when applying to become trusted flaggers:

What is the area of expertise?
Which languages, platforms and issues?

How do they finance such work?

Do they risk making a promise that they cannot fulfil? (e.g., people may expect them to systematically identify problematic content, when in fact they only do so sporadically).

There is no appeal foreseen when trusted flagger status is denied. It is possible, however, that such appeals can be made to administrative courts of member states (depending on national law).

Measures and protections against misuse

Relevant DSA Articles & Law



The article deals with two forms of misuse:

- a) Users who “frequently provide manifestly illegal content.”; and
- b) Complainants “that frequently submit notices or complaints that are manifestly unfounded.”

In both cases platforms “shall” (meaning: are obliged to) suspend for a reasonable period of time and after prior warning, the provision of services (for a.) or the processing of notices and complaints (for b.).

Civil Society Action



CSOs can monitor whether abuses are sanctioned in this manner. They can also monitor whether this sanction is over-imposed by platforms.

Art. 23

Comments



Presumably, CSOs can only look at individual cases, and will not be able to have an overview of such sanctions being imposed. They can compare their findings with companies’ reporting on this article.

Transparency reporting obligations

Relevant DSA Articles & Law



The article adds to the issues that platforms must report on annually according to article 15: The number of out of court settlements (article 21) and suspensions (according to article 22). The Commission may adopt an implementing act on details (reference to article 88).

Civil Society Action



CSOs can review and analyse these reports, compare platform practices, recommend stronger reporting, and use the data to define and substantiate their positions on moderation issues.

Article 24

Comments



No comments

Online interface design and organisation

Relevant DSA Articles & Law



Platforms should not use deceptive or manipulative interfaces, especially a.) making one choice more prominent than another, thereby nudging users in a direction; b.) repeatedly asking for a decision to be made that a user has already made; or c.) making it easier to join a service than to leave a service.

Civil Society Action



CSOs can regularly review the design of platforms and observe the changes over time, and make recommendations to platforms, including on how they can better design their systems.

Article 25

Comments



No comments

Advertising on online platforms

Relevant DSA Articles & Law



Users must be able to “identify, in a clear, concise and unambiguous manner and in real time, that” that the piece of content is an advertisement (more on markings in Article 44); on whose behalf the advertisement is being posted; who paid for it; and meaningful information “about the main parameters used to determine the recipient” and, where applicable, about how to change those parameters.

Paragraph 2: Platforms shall provide users with a functionality to declare whether the content they provide is or contains commercial communications (thus, official accounts can provide transparency about their content, even if a particular post is not an advertisement).

Paragraph 3. Providers of online platforms shall not present advertisements to recipients of the service based on profiling as defined in Article 4, point (4), of Regulation (EU) 2016/679 using special categories of personal data referred to in Article 9(1) of Regulation (EU) 2016/679.

Civil Society Action



CSOs can monitor whether platforms respect this article.

Article 26

Comments



As far as political advertisements are concerned, this article should be compared to obligations under chapter 3 of the Code of Practice on Disinformation. The EU is also likely to adopt a regulation on political advertising.

Recommender system transparency

Relevant DSA Articles & Law



“Recommender systems”(RS) are algorithmic decision-makers that decide how posts are ranked/(de-) amplified in a feed.

Platforms should explain, in simple language, the main parameters used in RS and options to modify them, which should be easily accessible (the Article does not oblige platforms to offer such options).

Civil Society Action



CSOs can review how informative and comprehensive statements on main parameters are, compare statements by different companies, and advocate for more detail. CSOs can also conduct experiments, where they observe what content recommender systems suggest to users (sampling).

They can also test how easily understandable these explanations are for users.

Article 27

Comments



See DRI’s [“Briefing Paper 117: How Do Social Media Algorithms Rank Content and What Can the Digital Services Act Do About It?”](#)

Online protection of minors

Relevant DSA Articles & Law



“Providers of online platforms accessible to minors shall put in place appropriate and proportionate measures to ensure a high level of privacy, safety, and security of minors, on their service.”

They should not offer advertising based on profiling (as defined in Regulation 2016/679) “when they are aware with reasonable certainty that the recipient of the service is a minor.” Platforms do not need to process additional personal data in order to assess whether the recipient of the service is a minor. In other words, they do not have to ask explicitly for the user’s age or whether the user is an adult.

Civil Society Action



CSO’s dealing with child protection can verify to what extent platforms are respecting article 28 and monitor how the relatively vague language of Article 28 is interpreted by platforms and, possibly, by the courts.

CSOs could also advocate for and make suggestions for the formulation of Commission guidelines that would provide more details on how to implement the article (“the Commission, after consulting the Board, may issue guidelines to assist providers of online platforms in the application of paragraph 1.”).

Article 28

Comments



The article leaves open how platforms identify underage users. Users could be asked (but do not have to be asked) or a platform may have “reasonable certainty that the user is a minor” by their behaviour on the platforms. However, this option is only mentioned in relation to the non-profiling clause.

EU VLOSEs Designation

Relevant DSA Articles & Law



The Commission will designate platforms and search engines as “very large” if they have more than 45 million average monthly active recipients of the service in the EU. Platforms are only VLOPs if the Commission designates them as such.

Systemic risk assessment

Relevant DSA Articles & Law



VLOPs “shall diligently identify, analyse and assess any systemic risks in the Union stemming from the design or functioning of their service and its related systems, including algorithmic systems, or from the use made of their service.”

Civil Society Action



CSOs have no role in the designation process. It is important, however, to be aware that the designation as VLOPs is an essential step, because the most stringent obligations of the DSA apply to this category of platforms. CSOs can also monitor the emergence of new platforms.

Article 33

Civil Society Action



Unfortunately, the platform’s risk assessments will not be published, making it difficult for CSOs to engage with this process.

Article 34

Comments



By current user numbers, the category “VLOP” will include Facebook, Instagram, TikTok, YouTube, Reddit, Pinterest, LinkedIn and Twitter, and Google as a search engine.

Comments



No comments

Mitigation of risks

Relevant DSA Articles & Law



VLOPs “shall put in place reasonable, proportionate and effective mitigation measures, tailored to the specific systemic risks identified pursuant to Article 34, with particular consideration to the impacts of such measures on fundamental rights.” Such measures include: adapting the design, ToS, content moderation, algorithmic systems, advertising systems, reinforcing the internal processes, cooperation with trusted flaggers, etc.

Civil Society Action



Considering that risk assessments won’t be publicly accessible, there is only limited scope for CSOs to engage on this. CSOs that are trusted flaggers can try to enhance the cooperation with platforms and contribute to the mitigation of systemic risks.

Article 35

Comments



No comments

Crisis response mechanisms

Relevant DSA Articles & Law



“Where a crisis occurs, the Commission, acting upon a recommendation of the Board may adopt a decision”, requiring providers of very large online platforms or search engines to take action, such as eliminating or limiting or limiting factors contributing to the threat.

Independent audit

Relevant DSA Articles & Law



VLOPs are obliged to conduct, at their own expense and at least once a year, an independent audit. VLOPs are obliged to provide all assistance necessary to the auditors. Audit firms shall not have conflicts of interest.

Civil Society Action



CSOs can try to get insights into Commission drafting of decisions in this field (through contacts, or through working groups under codes of conduct or practice). They can assess the decisions, which must be published and monitor implementation by platforms.

Article 36

Civil Society Action



CSOs can assess the choice of auditors and possible conflicts of interest, as well as propose methodologies for audits and review methods being used.

Article 37

Comments



It is legitimate that special efforts are requested from platforms in crisis situations, but these are also risky. There may be unspoken pressure on platforms to delete a lot of content, raising concerns for freedom of speech.

Comments



See these [suggestions](#) by SNV on auditing recommender systems.

Recommender systems

Relevant DSA Articles & Law



VLOPs should provide at least one option for their recommender system, that is not based on profiling.

Civil Society Action



CSOs can try to assess whether platforms offer an option with no profiling.

Article 38

Comments



No comments

Additional online advertising transparency

Relevant DSA Articles & Law



VLOPs should provide a library of all advertisements, which would enable the searching of ads based on specific multicriteria queries.

Civil Society Action



CSOs can conduct analyses of advertisements and assess how user-friendly and detailed the libraries are (timeliness, level of detail, possibilities of search), and make recommendations for improvements. CSOs can also conduct control studies to ascertain the completeness of libraries, if advertisements shown to a user are shown in the library.

Article 39

Comments



No comments

Data access and scrutiny

Relevant DSA Articles & Law



VLOPs are obliged to provide data requested by:

- National Service Coordinators necessary for compliance.
- Vetted researchers
- “Researchers, including those affiliated to not for profit bodies, organisations and association” 40.12 (public data only).

Transparency reporting obligations

Relevant DSA Articles & Law



In addition to Article 15 on reporting obligations, this Article adds reporting requirements for VLOPs (report on human resources and capacities).

Civil Society Action



CSOs can ask for data access from platforms based on this article. There are two avenues: Either they become vetted researchers, or they request access under Article 40.12

Article 40

Civil Society Action



CSOs can analyse and assess these reports (in conjunction with Article 15).

Art.42

Comments



Article 40 should not be seen as the norm of data access, but as the minimum requirement. Where platforms offer easier access than foreseen here, this is welcome. For many CSOs, the relatively simple Article 40.12 (aimed at public data) is the best basis for asking for data access. The other avenue, becoming a vetted researcher (Article 40.4 etc.), is much more cumbersome (but may allow access to non-public data, such as deleted posts). The Code of Practice on Disinformation also includes platform commitments on data access.

Comments



No comments

Standards

Relevant DSA Articles & Law



The Commission shall support and promote the development and implementation of voluntary standards set by relevant standardisation bodies on issues such as audits or targeted measures to protect minors.

Civil Society Action



CSOs can advocate for certain standards that should be adopted in different fields, and assess standards proposed by other organisations.

Article 44

Comments



This article is important in the struggle to make the DSA meaningful. These standards will provide detail for many provisions of the DSA that are written in general language that can be interpreted in many ways. While the article talks about “voluntary standards”, in reality, the EU has significant influence on the content of these standards.

Codes of conduct

Relevant DSA Articles & Law



The Commission should encourage and facilitate voluntary codes of conduct “to contribute to the proper application of this Regulation” with a special focus on addressing illegal content and systemic risks. Where significant systemic risks emerge, the Commission may invite VLOPs, relevant authorities, CSOs, and relevant stakeholders to participate in drawing up codes of conduct.

Civil Society Action



CSOs can advocate for specific language in the drafting of codes (the article mentions their role specifically). They can also become signatories of codes of conduct and support their implementation. Through participation in the code, CSOs will have a better understanding of issues and can participate in direct discussions with platforms. CSOs can also actively participate in shaping codes and suggesting changes.

Article 45

Comments



CSOs need to consider their mandates and the resource implications of becoming signatories of codes, which may require participation in many meetings. While the codes are described as voluntary, the Commission will have significant leverage in shaping them: “encourage” = asking for them; “facilitating” = requesting certain content.

Codes of conduct for online advertising

Relevant DSA Articles & Law



The Commission should encourage and facilitate voluntary codes of conduct involved to contribute to further transparency for actors in the online advertising value chain.

Civil Society Action



CSOs can advocate for specific language in the Code (the article explicitly mentions their role) and, once adopted, can participate in the implementation or monitor companies’ respect for the code.

Article 46

Comments



No comments

Codes of conduct for accessibility

Relevant DSA Articles & Law



The Commission should encourage and facilitate codes of conduct to promote equal participation and improving access to online services to people with disabilities.

Crisis protocols

Relevant DSA Articles & Law



The Board may request the Commission to initiate voluntary crisis protocols for addressing crisis situations and extraordinary circumstances affecting public security or public health.

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As above, CSOs can become involved in this process (formulation of codes, implementation of codes).

Article 47

Civil Society Action



“The Commission may, where necessary and appropriate, also involve civil society organisations or other relevant organisations in drawing up the crisis protocols.”

Article 48

Comments



No comments

Comments



CSOs who work in this field should not wait for the Commission to involve them. As crisis protocols are of high sensitivity in relation to human rights, they can proactively gather information on these and/or make proposals. See more on this in the ISD paper [“Online Crisis Protocols – Expanding the Regulatory Toolbox to Safeguard Democracy During Crises”](#)

Competent authorities and Digital Services Coordinators (DSCs)

Relevant DSA Articles & Law



Member states shall designate responsible institutions responsible for the enforcement of the DSA – Digital Services Coordinators – which will represent the member states and closely cooperate with the Commission and supervise the enforcement of the DSA at the national level.

Requirements for DSCs

Relevant DSA Articles & Law



Member states shall ensure that their Digital Services Coordinators have all the necessary resources to carry out their tasks, including sufficient technical, financial and human resources to adequately supervise all providers of intermediary services falling within their competence, and sufficient autonomy in managing their budgets. They shall be fully independent and act impartially.

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DSCs will be important interlocutors for CSOs in their countries. Also important will be the role of the DSC in the country where platforms have their EU HQ, mostly in Ireland.

Article 49

Civil Society Action



CSOs can be watchdogs to determine whether DSCs are truly independent and act impartially and transparently.

Article 50

Comments



In Germany, CSOs are teaming up to advocate for an effective set-up of the DSC and to ensure that the future DSC will interact systematically with CSOs.

Comments



This may be a particular issue in EU member states with weak checks and balances or authoritarian tendencies.

Powers of DSCs

Relevant DSA Articles & Law



Powers of DSCs include:

- Carrying out, or requesting that a judicial authority in their Member State order inspections of any premises, in order to examine, seize, take or obtain copies of information relating to a suspected infringement
- Carrying out or requesting that a judicial authority in their member state order that it receive information relating to a suspected infringement in any form
- Asking the member state representative of VLOPs to provide explanations when infringement is suspected
- Accepting commitments offered by providers
- Imposing fines, or requesting judicial authority to do so
- Adopting interim measures

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The DSCs have significant powers of investigation and sanctioning.

CSOs can:

- Monitor how DSCs perform
- Request from DSCs investigations or remedial actions where they consider that breaches of the DSA have occurred.

Article 51

Comments



No comments

Right to lodge a complaint

Relevant DSA Articles & Law



Any organisation may lodge a complaint against a provider of services alleging an infringement of the DSA. The national coordinator shall assess the complaint and add an opinion, where appropriate.

Civil Society Action



CSOs can lodge complaints against platforms to the relevant national DSCs if they suspect a violation of the DSA. Such complaints can lead to an investigation by the DSCs or other competent authorities.

Article 53

Comments



No comments

European Board for Digital Services

Relevant DSA Articles & Law



An independent advisory group of DSCs, named the 'European Board for Digital Services' ("the Board") is established and shall advise national coordinators and the Commission.

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The Board will be an important counterpart for issues that are relevant across the Union.

Article 61

Comments



No comments

