

THE DIGITAL SERVICES ACT

AN "INTERMEDIARY SERVICE" IS ANY ONE OF THE FOLLOWING:

"MERE CONDUIT SERVICE"

Provides internet access, content delivery networks, WiFi hotspots – e.g. VPNs, domain name registries, internet service providers

"CACHING SERVICE"

Provides automatic, intermediate and temporary storage of information – e.g. web and database caching/content delivery networks

"HOSTING SERVICE"

Provides storage of information provided by (and at the request of) a service recipient – e.g. web hosting/cloud services

Does a Hosting Service also qualify as an "Online Platform/Search Engine"?

"ONLINE PLATFORM & ONLINE MARKETPLACE"

A hosting service which, at the user's request, **stores** and **disseminates** userprovided information to the public, e.g. social media platforms/online marketplaces

Does an Online Platform/ Search Engine also qualify as a "VLOP/VLOSE"?

"ONLINE SEARCH ENGINE"

An intermediary service that allows users to input queries to perform searches and return results

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"VLOPs"

(Very Large Online Platform)

Online platform with more than 45 million active EU users on average each month (10% of EU population)

"VLOSE"

(Very Large Online Search Engine)

Online search engine with more than 45 million active EU users on average each month (10% of EU population)

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KEY DSA OBLIGATIONS AND APPLICABILITY TO INTERMEDIARY SERVICE CATEGORIES

NEUTRALITY		
ARTICLES 4 & 5	APPLICABILITY	
Maintain neutral position during information transmission and storage	1 & 2	
KNOWLEDGE OF LIABIL	ITY	
ARTICLE 6	APPLICABILITY	
Ensure expeditious removal or disabling of access to illegal content or activity	3, 4, 5, 6 & 7	
GOOD FAITH CLAUSE		
ARTICLE 7	APPLICABILITY	
Voluntary investigations into illegal content will not impact the availability of the liability exemptions	ALL	
MONITORING		
ARTICLE 8	APPLICABILITY	
No general obligation to monitor or actively seek facts or circumstances indicating illegal activity	ALL	

POINTS OF CONTACT & COOPERATION

ARTICLES 11 &12	APPLICABILIT'
Appointment of a single point of contact and legal representatives	ALL

REQUIREMENTS RE Ts & Cs

ARTICLE 14	APPLICABILITY
Include information on restrictions imposed in relation to the use of the service	ALL

TRANSPARENCY REPORTING OBLIGATION

ARTICLE 15	APPLICABILIT
Make publicly available annual reports on content moderation	ALL

NOTION AND ACTION MECHANISMS		
ARTICLE 16	APPLICABILITY	
Ensure mechanisms in place for reporting illegal content	3, 4, 5, 6 & 7	

STATEMENT OF REASONS (SORs)

ARTICLE 17	APPLICABILITY
Provide a SORs to recipients affected by	3, 4, 5, 6 &
restrictions imposed due to illegal content or	7
incompatibility with Ts&Cs	'

INTERNAL COMPLAINT/ OUT OF COURT DISPUTE SETTLEMENT

ARTICLES 20 & 21	APPLICABILITY
Establish an internal complaint-handling	
system and access to out-of-court dispute	4, 5, 6 & 7
settlement process	

TRUSTED FLAGGERS

	APPLICABILITY
Ensure notices submitted by trusted	
flaggers are given priority and processed	4, 5, 6 & 7
and decided upon without undue delay	

MEASURES & PROTECTION AGAINST MISUSE

ARTICLE 23	APPLICABILITY
Suspend users who frequently provide	_
manifestly illegal content after having issued	4, 5, 6 & 7
a prior warning	

TRANSPARENCY REQUIREMENTS FO	OR ONLINE
ADVERTISING	
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ARTICLE 26	APPLICABILITY
Must provide consumers, in real-time, with	_
information about the ads being served to	4, 5, 6 & 7
them.	

RECOMMENDER	R SYSTEM	TRANS	PARENCY	

ARTICLE 27	APPLICABILITY
Inform users of main parameters used in	4, 5, 6 & 7
recommender systems	

RISK ASSESSMENT AND MITIGATION OF RISKS

ARTICLES 34 & 35	APPLICABILITY
Identify, analyse and assess systemic risks to put mitigation measures in place	6 & 7