

# 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 **1**

**"CACHING SERVICE"**  
 Provides automatic, intermediate and temporary storage of information – e.g. web and database caching/content delivery networks **2**

**"HOSTING SERVICE"**  
 Provides storage of information provided by (and at the request of) a service recipient – e.g. web hosting/cloud services **3**

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** user-provided information to the public, e.g. social media platforms/online marketplaces **4**

**"ONLINE SEARCH ENGINE"**  
 An intermediary service that allows users to input queries to perform searches and return results **5**

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

**"VLOPs"**  
 (Very Large Online Platform)  
 Online platform with more than 45 million active EU users on average each month (**10% of EU population**) **6**

**"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**) **7**

DSA OBLIGATIONS AND APPLICABILITY TO INTERMEDIARY SERVICE CATEGORIES

NEUTRALITY	
<b>ARTICLES 4 &amp; 5</b>	<b>APPLICABILITY</b>
Maintain neutral position during information transmission and storage	<b>1 &amp; 2</b>
KNOWLEDGE OF LIABILITY	
<b>ARTICLE 6</b>	<b>APPLICABILITY</b>
Ensure expeditious removal or disabling of access to illegal content or activity	<b>3, 4, 5, 6 &amp; 7</b>
GOOD FAITH CLAUSE	
<b>ARTICLE 7</b>	<b>APPLICABILITY</b>
Voluntary investigations into illegal content will not impact the availability of the liability exemptions	<b>ALL</b>
MONITORING	
<b>ARTICLE 8</b>	<b>APPLICABILITY</b>
No general obligation to monitor or actively seek facts or circumstances indicating illegal activity	<b>ALL</b>
POINTS OF CONTACT & COOPERATION	
<b>ARTICLES 11 &amp; 12</b>	<b>APPLICABILITY</b>
Appointment of a single point of contact and legal representatives	<b>ALL</b>
REQUIREMENTS RE Ts & Cs	
<b>ARTICLE 14</b>	<b>APPLICABILITY</b>
Include information on restrictions imposed in relation to the use of the service	<b>ALL</b>
TRANSPARENCY REPORTING OBLIGATION	
<b>ARTICLE 15</b>	<b>APPLICABILITY</b>
Make publicly available annual reports on content moderation	<b>ALL</b>

LIABILITY OF PROVIDERS OF INTERMEDIARY SERVICES

NOTION AND ACTION MECHANISMS	
<b>ARTICLE 16</b>	<b>APPLICABILITY</b>
Ensure mechanisms in place for reporting illegal content	<b>3, 4, 5, 6 &amp; 7</b>
STATEMENT OF REASONS (SORs)	
<b>ARTICLE 17</b>	<b>APPLICABILITY</b>
Provide a statement of reasons to recipients affected by restrictions imposed due to illegal content or incompatibility with Ts&Cs	<b>3, 4, 5, 6 &amp; 7</b>
INTERNAL COMPLAINT/ OUT OF COURT DISPUTE SETTLEMENT	
<b>ARTICLES 20 &amp; 21</b>	<b>APPLICABILITY</b>
Establish an internal complaint-handling system and access to out-of-court dispute settlement process	<b>4, 5, 6 &amp; 7</b>
TRUSTED FLAGGERS	
<b>ARTICLE 22</b>	<b>APPLICABILITY</b>
Ensure notices submitted by trusted flaggers are given priority and processed and decided upon without undue delay	<b>4, 5, 6 &amp; 7</b>
MEASURES & PROTECTION AGAINST MISUSE	
<b>ARTICLE 23</b>	<b>APPLICABILITY</b>
Suspend users who frequently provide manifestly illegal content after having issued a prior warning	<b>4, 5, 6 &amp; 7</b>
RECOMMENDER SYSTEM TRANSPARENCY	
<b>ARTICLE 27</b>	<b>APPLICABILITY</b>
Inform users of the main parameters used in recommender systems	<b>4, 5, 6 &amp; 7</b>
RISK ASSESSMENT AND MITIGATION OF RISKS	
<b>ARTICLES 34 &amp; 35</b>	<b>APPLICABILITY</b>
Identify, analyse and assess systemic risks to put mitigation measures in place	<b>6 &amp; 7</b>