



Digital Services Act Implementation in Selected EU Member States

January 2025

LL File No. 2025-024007
LRA-D-PUB-002666

This report is provided for reference purposes only.
It does not constitute legal advice and does not represent the official
opinion of the United States Government. The information provided
reflects research undertaken as of the date of writing.
It has not been updated.

Contents

- I. Introduction.....1
- II. Jurisdictional Surveys.....2
 - Austria2
 - Belgium.....2
 - Bulgaria.....6
 - Denmark.....8
 - Finland.....9
 - France.....10
 - Germany14
 - The Netherlands.....16
 - Poland16
 - Romania.....17
 - Sweden20

Digital Services Act Implementation in Selected EU Member States

Staff of the Global Legal Research Directorate

I. Introduction

This report addresses the implementation of the Digital Services Act (DSA) by European Union (EU) member states. The report covers selected EU member states, namely Austria, Belgium, Bulgaria, Denmark, Finland, France, Germany, the Netherlands, Poland, Romania, and Sweden.

The DSA, an EU regulation, entered into force on November 16, 2022, and became automatically fully applicable in all EU member states on February 17, 2024.¹ The regulation does not replace the e-Commerce Directive, but complements it, specifically regulating due diligence and reporting requirements for online intermediaries and platforms with regard to illegal content and setting rules for harmonized enforcement procedures across the EU.²

While the DSA applies directly in each EU member state, member states must designate a digital services coordinator, which is responsible for enforcing and supervising compliance with the DSA, and enacting domestic legislation defining its competency.³ EU member states may designate additional competent authorities to enforce the DSA, but must specify one specific digital services coordinator.⁴ The individual member states' digital services coordinators are responsible for enforcing the DSA with respect to providers of intermediary services that are established in their respective territories.⁵ In addition, these digital services coordinators award trusted flagger status to applicant entities⁶ and represent each member state on the European Board for Digital Services, which is chaired by the European Commission.⁷ A list of designated services coordinators is available on the EU's website.⁸

¹ Digital Services Act 2022 (DSA), art. 93, O.J. (L 277) 1, <https://perma.cc/TBB4-SJV7>; Consolidated Version of the Treaty on the Functioning of the European Union (TFEU), art. 288, para. 2, 2016 O.J. (C 202) 47, <https://perma.cc/V2KS-AZWS>.

² DSA arts. 1, 2. Consolidated Version of the Directive on Electronic Commerce, 2000 O.J. (L 178) 1, <https://perma.cc/5ABS-E242>; For more information, see *The Digital Services Act*, European Commission, <https://perma.cc/BMY2-U5N7>.

³ DSA art. 49.

⁴ Id.

⁵ Id.

⁶ See European Commission, *Trusted Flaggers Under the Digital Services Act (DSA)*, <https://perma.cc/KH48-LRQ8>.

⁷ DSA arts. 61, 62. For additional information on the European Board for Digital Services, see *European Board for Digital Services*, European Commission, <https://perma.cc/7W45-UX9C>.

⁸ *Digital Services Coordinators*, European Commission, <https://perma.cc/2VXT-WB4U>.

In addition to designating a digital services coordinator, member states must implement effective, proportional, and dissuasive sanctions for violations of the DSA by providers of intermediary services and set the maximum penalties for fines and periodic penalty payments.⁹

II. Jurisdictional Surveys

Austria

In December 2023, the Austrian parliament passed the Act Accompanying the DSA (DSA-Begleitgesetz).¹⁰ It enacted the Digital Services Coordinator Act (Koordinator-für-digitale-Dienste-Gesetz, KDD-G) and amended several other laws, such as the KommAustria-Act and the E-Commerce-Act.¹¹ The Digital Services Coordinator Act entered into force on February 17, 2024.¹²

The Digital Services Coordinator Act designates the Austrian Communications Authority (KommAustria) as the competent authority according to article 49, paragraphs 1 and 2 of the DSA.¹³ The Media Division of RTR-GmbH supports KommAustria;¹⁴ it is also appointed as an out-of-court dispute settlement body under article 21, paragraph 6 of the DSA.¹⁵

Violations of the DSA are punished as administrative offenses by imposing a fine of up to 1% of the annual income or worldwide revenue of the provider of the intermediary services or other person concerned or a fine of up to 6% of the annual worldwide revenue, depending on the type of violation.¹⁶

Belgium

The DSA is a European regulation, which means that it has been directly applicable since its entry into force on February 17, 2024, without transposition into Belgian law.

Given that applying the DSA involves various competencies at both federal and community levels, Belgium has designated four competent authorities.

⁹ DSA art. 52.

¹⁰ DSA-Begleitgesetz, Bundesgesetzblatt [BGBl.] I No. 182/2023, <https://perma.cc/SW4D-4DLM>.

¹¹ Koordinator-für-digitale-Dienste-Gesetz, KDD-G, [BGBl.] I No. 182/2023, <https://perma.cc/KT3K-NVDZ> (original), <https://perma.cc/VW97-TXLU> (English translation); KommAustria-Gesetz [KOG], BGBl. I No. 32/2001, as amended, <https://perma.cc/47QW-ZJBS> (original), <https://perma.cc/D2LM-NJC7> (English translation); E-Commerce-Gesetz [ECG], BGBl. I No. 152/2001, as amended, <https://perma.cc/3W67-RFSH>.

¹² KDD-G § 10.

¹³ KDD-G § 2, para. 1.

¹⁴ Id. § 2, para. 2.

¹⁵ Id. § 2, para. 4.

¹⁶ Id. §§ 5, 6.

Federal Level: The Belgian Institute for Postal Services and Telecommunications

The law of April 21, 2024, implementing the European regulation on digital services, designated the Belgian Institute for Postal Services and Telecommunications (*L'Institut belge des services postaux et des télécommunications* - IBPT) as the competent authority to implement the DSA at the federal level.¹⁷

The law also introduces substantial updates to several Belgian legislative texts to align them with new European standards.¹⁸

New obligations now apply to intermediary service providers under the Code of Economic Law. Providers must restrict access to content deemed illegal by the competent authorities and, upon request, provide information useful for investigating violations committed through their services.¹⁹

The IBPT, designated as the federal authority responsible for enforcing the DSA, has been granted expanded powers, including new investigative capabilities. These include conducting on-site inspections, even in private residences under certain conditions. The IBPT can also adopt provisional measures and impose administrative sanctions for non-compliance with the regulation.²⁰

The law establishes a framework for cooperation between the IBPT and other national and European authorities, providing information exchange and collaboration with bodies such as the Federal Public Service Economy and digital services coordinators of other member states.²¹

Lastly, amendments to other legislative texts, including the Code of Criminal Procedure, Judicial Code, and Audiovisual Media Services Act, ensure consistency with the DSA's provisions.²²

Flemish Community: The Flemish Regulator for the Media

The decree of January 6, 2024, stipulates that the Flemish media regulator (*Vlaamse Regulator voor de Media* - VRM) is responsible for implementing and monitoring the DSA regulation.²³

¹⁷ Loi mettant en œuvre le règlement (UE) 2022/2065 du Parlement européen et du Conseil du 19 octobre 2022 relatif à un marché unique des services numériques et modifiant la directive 2000/31/CE, portant modifications du livre XII et du livre XV du Code de droit économique et portant modifications de la loi du 17 janvier 2003 relative au statut du régulateur des secteurs des postes et des télécommunications belges, J. O. May 15, 2024, <https://perma.cc/6RMZ-YRCN>.

¹⁸ Id. art. 1.

¹⁹ Id. arts. 2-4.

²⁰ Id. arts. 6, 7, 9, 12, 13.

²¹ Id. art. 7.

²² Id. arts. 15-18.

²³ Décret modifiant le décret du 27 mars 2009 relatif à la radiodiffusion et à la télévision, portant exécution partielle du règlement sur les services numériques, J. O. Jan. 6, 2024, art. 217/1, <https://perma.cc/5DVJ-L6JR>.

This decree serves to partially implement the DSA within Flemish media legislation. Key elements include

- the introduction of new DSA-related terms into the 2009 Flemish broadcasting decree;²⁴
- the definition of the decree's scope regarding intermediary services related to broadcasting activities;²⁵
- designation of the Flemish Media Regulator as the competent authority for applying the DSA to certain intermediary services;²⁶
- the assignment of new responsibilities to the Flemish Media Regulator for enforcing and monitoring compliance with the DSA and the Digital Markets Regulation;²⁷
- the establishment of a cooperation framework between the Flemish Media Regulator and other national and European authorities in DSA application;²⁸
- authorization for the Flemish Media Regulator to participate in European Digital Services Committee meetings;²⁹ and
- the implementation of administrative penalties for DSA violations, with fines up to 6% of the intermediary service provider's worldwide revenue in the previous financial year.³⁰

French-Speaking Community: Council for the Audiovisual Sector

The Decree of February 15, 2024, stipulates that Council for the Audiovisual Sector (*Conseil supérieur de l'audiovisuel* - CSA) is responsible for implementing the DSA in Belgium's French community.³¹

This decree partially implements the DSA within the legislation of Belgium's French Community. Key provisions include

- expanding the decree's scope to encompass intermediary services under the French Community's jurisdiction;³²

²⁴ Id. art. 3.

²⁵ Id. art. 5.

²⁶ Id. art. 6.

²⁷ Id. art. 8.

²⁸ Id. art. 9.

²⁹ Id. art. 10.

³⁰ Id. art. 11.

³¹ Décret modifiant le décret du 4 février 2021 relatif aux services de médias audiovisuels et aux services de partage de vidéos et mettant partiellement en œuvre le règlement sur les services numériques, J. O. Mar. 8, 2024, <https://perma.cc/KGX6-VFPH>.

³² Id. arts. 2, 3.

- defining criteria for the French Community authority over intermediary service providers;³³
- designating the CSA as the competent authority for DSA application;³⁴
- granting the CSA new powers to enforce the DSA, including investigative and sanctioning capabilities;³⁵
- establishing administrative sanctions for DSA violations, with fines up to 6% of the intermediary service provider's worldwide revenue in the previous financial year;³⁶
- providing for a cooperation agreement among Belgium's authorities to appoint the digital services coordinator;³⁷ and
- making various amendments to the CSA's composition and operations.³⁸

German Community: Media Council

The German-speaking Community designated the Media Council (*Medienrat*) as the authority responsible for implementing the DSA by decree on March 1, 2021.³⁹

The 2021 decree was updated to apply the DSA within the German-speaking community in Belgium. Key provisions include the following:

- Providers of video-sharing platforms must implement measures such as reporting, age verification, and parental control systems, and comply with rules on audiovisual commercial communications. These measures should be proportionate to the platform's size and should not lead to prior content filtering. The article also prohibits the use of minors' personal data for commercial purposes and mandates that the Media Council assess the adequacy of these protections.⁴⁰
- The Media Council will cooperate with the European Digital Services Board as well as with the services coordinators designated by the Belgian Federal State and the Communities.⁴¹
- The Media Council may impose penalties ranging from a warning to an administrative fine of up to 25,000 euros (about US\$26,000), or 5% of annual sales for repeat DSA violations.⁴²

³³ Id. art. 4.

³⁴ Id. art. 8.

³⁵ Id. arts. 9, 11.

³⁶ Id. art. 11.

³⁷ Id. art. 8.

³⁸ Id. arts. 14-16.

³⁹ März 2021 -Dekret über die Mediendienste und die Kinovorstellungen, J. O. Apr. 12, 2021, <https://perma.cc/UD6C-KJD9>.

⁴⁰ Id. art. 32.

⁴¹ Id. art. 103.

⁴² Id. art. 138.

Bulgaria

Implementing Legislation

In Bulgaria, the Draft Law on Amendments and Additions to the Electronic Communications Law was published in electronic form for public discussion. It was made available to all interested parties on the website of the Ministry of Transport and Communications, as well as on the Public Consultations Portal, during October and November of 2022.⁴³

The explanatory note to the Draft Law says that its aim is “[t]o ensure the implementation of the requirements of Regulation 2022/2065 of the European Parliament and of the Council of October 19, 2022, on the single market for digital services.” This includes fully harmonizing the rules applicable to all intermediary information society services in Bulgaria, providing the national implementing measures, designating the competent authority responsible for the supervision of providers (the digital services coordinator), and establishing specific procedures for the exercise of its powers.⁴⁴

Digital Services Coordinator and Additional Enforcement Authorities

According to the Draft Law, the Communications Regulation Commission (CRC) is designated as the national Digital Services Coordinator (DSC) in the Republic of Bulgaria.⁴⁵

Other national authorities, such as the Council for Electronic Media and Commission for Personal Data Protection, will also be involved in the implementation of the DSA.⁴⁶

The Draft Law defines the role and authority of the Bulgarian DSC and designates the CRC as the national DSC.

Under the Draft Law, the CRC monitors non-video-sharing intermediary service providers to ensure compliance with the DSA, while video-sharing platforms fall under the control of the Council for Electronic Media.⁴⁷

Additionally, the Commission for Personal Data Protection is authorized to supervise the processing of personal data in accordance with the provisions of the DSA, specifically related to the implementation of articles 26 and 28, which concern advertising on online platforms and the online protection of minors.⁴⁸

⁴³ Draft Law on Amendments and Additions to the Electronic Communications Law, Ministry of Transport and Communications of the Republic of Bulgaria, <https://perma.cc/62Z2-7HTV> (in Bulgarian).

⁴⁴ Reasons for the Law on Amendments and Additions to the Law on Electronic Communications, <https://perma.cc/7QVV-YQT8> (In Bulgarian).

⁴⁵ Id. Draft Law on Amendments and Additions to the Law on Electronic Communications of 2007, last amended in 2023, <https://perma.cc/VD53-YY9T> (in Bulgarian).

⁴⁶ Id. §§ 1, 10-12, art. 49(e), art. 323(v) in accordance with arts. 26, 28, and 49 of the DSA.

⁴⁷ Id. art. 323(c).

⁴⁸ Id. arts. 49(e), 323(b), (u).

The Draft Law obliges the CRC to establish and maintain a list of intermediary service providers.⁴⁹

Compliance investigations by national authorities must be conducted to monitor and ensure adherence to the DSA for intermediary service providers in Bulgaria. The commission has the right not only to investigate (regardless of any trade secret or other legally protected secret) but also to enter premises, seize evidence and documents for examination, and restrict user access to the service or online interface.⁵⁰

The Draft Law establishes the procedures for designating trusted flaggers and vetted researchers under the DSA, as well as processes for addressing complaints against intermediary service providers.⁵¹ The CRC is authorized to initiate compliance investigations of trusted flaggers and vetted researchers, which may lead to temporary suspension, permanent revocation, or reinstatement of status in specific cases. If noncompliance is identified, a decision must be issued, allowing a seven-day period for submitting opinions. The Draft Law provides for a one-month deadline for aligning activities with the regulation.⁵²

The Draft Law also regulates the certification of bodies for out-of-court dispute settlement between service recipients and online platform providers under the DSA.⁵³

Fines and Sanctions

According to the Draft Law, the determination of the violation and the imposition of sanctions must occur within the framework of a single procedure concluded by the issuance of a single document, the resolution of the CRC.⁵⁴

Noncompliance with the rules entails significant administrative fines of up to 6% of the service provider's global annual turnover for the preceding year for breaches of obligations under the DSA. Additionally, there are penalties of up to 1% of annual turnover for failure to comply with requests for information, and a daily penalty of up to 1% of the average daily annual turnover in the preceding financial year to encourage the cessation of the infringement.⁵⁵

On June 13, 2024, the Council of Ministers issued a Decision on the Designation of a National Authority to Execute the Functions of Coordinator for Digital Services regarding the Requirements of Regulation (EU) 2022/2065 on the Single Market for Digital Services. The CRC was appointed as the DSC by this decision.⁵⁶

⁴⁹ Id. § 12.

⁵⁰ Id. art. 310(g) § 17.

⁵¹ Id.

⁵² Id. art. 310(g).

⁵³ Id. arts. 310(a), 323(c).

⁵⁴ Id. art. 323(f).

⁵⁵ Id. art. 323(f)(1)-(6).

⁵⁶ Decision of June 13, 2024, No. 405, the Council of Ministers, <https://perma.cc/J3MH-C3ZW> (in Bulgarian).

The CRC has already begun applying its functions as the DSC. There is also a designated section on their website allowing users to submit complaints under the DSA.⁵⁷

The amendments to the Bulgarian legislation have not yet been adopted.⁵⁸

Denmark

Legislation & Digital Services Coordinator

Denmark implemented the DSA into Danish law through domestic legislation, the Act on the Enforcement of the Regulation of the European Parliament and of the Council on the Internal Market for Digital Services, which took effect on February 17, 2024.⁵⁹ Through the act, the Danish Competition and Consumer Authority is designated as the Digital Services Coordinator and the enforcement authority for compliance with the DSA.⁶⁰ No other enforcement authorities are designated in the act, but the Ministry of Industry, Business and Financial Affairs may designate other authorities as additional enforcement authorities.⁶¹

Sanctions and Fines

Under the act, the Danish Competition and Consumer Authority may, in addition to fines under article 51, also assess daily or weekly fines in cases where an injunction is not adhered to.⁶² These fines are assessed based on the turnover and profits from the most recent financial year and may not exceed 5% of the intermediary provider's average daily global turnover or 5% of the average daily global annual profit.⁶³ Fines are issued for violations of various articles of the DSA.⁶⁴ These fines may not exceed 6% of the intermediary provider's global turnover, based on the previous financial year.⁶⁵ Providers may also be liable under the Danish Penal Code chapter 5.⁶⁶

⁵⁷ Id.

⁵⁸ Parliament of the Republic of Bulgaria, Draft Law on the Amendments and Additions to the Law on Electronic Communications, <https://perma.cc/6R58-MYSY> (in Bulgarian).

⁵⁹ Lov om håndhævelse af Europa-Parlamentets og Rådets forordning om et indre marked for digitale tjenester (LOV nr 1765 af 28/12/2023), <https://perma.cc/5HQR-M4AS>.

⁶⁰ 3 § Lov om håndhævelse af Europa-Parlamentets og Rådets forordning om et indre marked for digitale tjenester.

⁶¹ Id.

⁶² Id. 9 §.

⁶³ Id.

⁶⁴ These include articles 11, 12, 13 (paras. 1, 2 or 4), 14, 15 (para. 1), 16 (paras. 1, 2, and 4-6), 17 (para. 1-4), 18, 20, 21 (para 1(2) and para 2(1), (2)), 22 (paras. 1, 6), 23, 24 (paras. 1-3, 5), 25 (para. 1), 26, 27, 28 (paras. 1, 2), 30 (paras. 1, 2(1), (3) and (4) and paras. 3, 5-7), 31, and 32.

⁶⁵ Id. 10 §.

⁶⁶ Id.

Finland

Legislation

On December 11, 2023, Finland adopted the Act on the Supervision of Online Intermediary Services, which implements the complementary rules that Finland is obligated to adopt per the DSA.⁶⁷

Digital Services Coordinator & Additional Enforcement Authorities

The act provides that supervision of compliance with the DSA is split between Traficom, the Consumer Ombudsman, and the Office of the Data Protection Ombudsman. It designates Traficom (*Transport- och kommunikationsverket*) as the Digital Services Coordinator.⁶⁸ The Consumer Ombudsman is designated as the enforcement authority for violations of DSA articles 25, 26.1 a-c, 26.2, 30.7, and 32.⁶⁹ The Data Protection Ombudsman is the designated enforcement authority for DSA arts. 26.1 a-c, 26.1, 26.3, 27, and 28.⁷⁰

Sanctions & Fines

The act stipulates that periodic penalties cannot exceed 5% of global daily profits, based on the preceding financial year figures.⁷¹ The act also stipulates that penalty fines must be determined using an overall assessment.⁷² The penalty fee imposed on a provider of intermediary services may not exceed 6% of the provider's global annual turnover during the accounting period preceding the decision on the penalty fee.⁷³ Fines may not exceed 1% of the provider's global annual turnover.⁷⁴

⁶⁷ Lag om tillsyn över förmedlingstjänster på nätet (FFS 2024/18), <https://perma.cc/942H-W3HE> (in Swedish), Laki verkon välityspalvelujen valvonnasta (2024/18) <https://perma.cc/26WT-X5NQ> (in Finnish).

⁶⁸ Id. 1 ch. 1 §.

⁶⁹ 1 ch. 2 § Act on the Supervision of Online Intermediary Services; see also KKV, *Consumer Ombudsman*, <https://perma.cc/GX7S-ZM6A>.

⁷⁰ Id. 1 ch. 3 § Act on the Supervision of Online Intermediary Services; see also Data Protection Ombudsman, *The Digital Services Act and Powers of the Data Protection Ombudsman in the Monitoring of Online Platforms*, <https://perma.cc/N2Z6-MKDJ>.

⁷¹ 13 § Act on the Supervision of online Intermediary Services.

⁷² Id. 18 §.

⁷³ Id.

⁷⁴ Id. 20 §.

France

Implementing Legislation

As noted above, European regulations such as the DSA are directly applicable in all EU member states without the need for transposition into national law.⁷⁵ The DSA came into force for digital platforms on February 17, 2024.⁷⁶

France has passed several laws to implement the DSA.

2024 Law Aimed at Securing and Regulating the Digital Space

Law No. 2024-449 of May 21, 2024, Aimed at Securing and Regulating the Digital Space, also known as the SREN law,⁷⁷ applies the European DSA, DMA, and DGA regulations, designating the national authorities responsible for monitoring their application. Under the DSA,

- the French Regulatory Authority for Audiovisual and Digital Communication (*Autorité de régulation de la communication audiovisuelle et numérique*—ARCOM) is designated as “coordinator of digital services”;⁷⁸
- the French General Directorate for Competition, Consumer Affairs and Fraud Control (*Direction Générale de la Concurrence, de la Consommation et de la Répression des Fraudes*—DGCCRF) is responsible for ensuring that marketplace providers comply with their obligations regarding their interface, the traceability of professionals, and consumer information;⁷⁹ and
- the National Commission for Information Technology and Civil Liberties (*Commission Nationale de l’Informatique et des Libertés*—CNIL) ensures that intermediary service providers respect personal data rights.⁸⁰

The SREN law implements the EU’s DSA regulation, focusing on three main areas: protection of minors, protection of citizens, and protection of businesses and communities.

⁷⁵ *Comment l’administration française applique-t-elle le droit européen*, République Française (Aug. 1, 2024), <https://perma.cc/2TR3-9AHV>.

⁷⁶ *Entrée en vigueur du règlement sur les services numériques (DSA) : renforcement de la responsabilité des plateformes en Europe*, Ministère de l’Economie, des Finances et de l’Industrie (Feb. 16, 2024), <https://perma.cc/9G7G-PUH9>.

⁷⁷ LOI n° 2024-449 du 21 mai 2024 visant à sécuriser et à réguler l’espace numérique, J. O. May 22, 2024, <https://perma.cc/JAR3-SKUT>.

⁷⁸ Id. art. 51.

⁷⁹ Id. art. 52.

⁸⁰ Id. art. 51.

Protection of Minors under the SREN Law

Title I of the SREN law enhances measures to prevent minors from accessing online pornographic content, including blocking, delisting, and substantial fines for sites that do not verify user age. It also imposes criminal penalties on hosts that fail to promptly remove reported child pornography content.

ARCOM is tasked with ensuring minors cannot access online pornographic content and with establishing technical standards for reliable, privacy-respecting age verification systems.⁸¹ Title I of the SREN law contains the following specific provisions:

- ARCOM may issue formal warnings to non-compliant online service publishers and video-sharing platforms. If compliance is not achieved, financial penalties can reach up to 150,000 euros (about US\$156,000) or 2% of worldwide revenue excluding tax for the previous financial year.⁸² The financial penalties can be increased to a maximum of 500,000 euros (about US\$521,000) or 6% of worldwide sales in the event of a repeat offense.⁸³
- ARCOM can instruct Internet service providers and search engines to block or delist pornographic sites that fail to verify user age.⁸⁴
- ARCOM can ask app stores to remove apps that give access to pornographic content without age verification.⁸⁵
- The law introduces criminal penalties for hosts who fail to remove child pornography content reported by the authorities within 24 hours. Penalties include up to one year's imprisonment and a fine of 250,000 euros (about US\$260,000).⁸⁶
- A two-year experiment has been set up to enable the rapid removal of content showing acts of torture or barbarism.⁸⁷

Protection of Citizens under the SREN Law

Title II of the SREN law focuses on protecting French citizens. The law brings significant changes to the protection of citizens in the digital environment.

- The law reinforces digital citizenship education in schools. It makes it compulsory for pupils to obtain a digital skills certificate at the end of their first and last years of secondary school.

⁸¹ Id. arts. 1-6.

⁸² Id. art. 1.

⁸³ Id. art. 2.

⁸⁴ Id. art. 2.

⁸⁵ Id. art. 3.

⁸⁶ Id. art. 4.

⁸⁷ Id. art. 5.

In addition, students' legal representatives are to receive annual information on digital citizenship. Higher education must also include an awareness of digital citizenship.⁸⁸

- Digital citizenship training includes awareness of the risks associated with artificial intelligence and the fight against disinformation.⁸⁹
- Producers of pornographic content simulating certain crimes or offenses must display a clear and visible warning message alerting users to the illegal nature of the behavior depicted. Failure to comply with this obligation is punishable by one year of imprisonment and a fine of 75,000 euros (about US\$78,000).⁹⁰
- Web hosts must act promptly to remove or make inaccessible any pornographic content reported as being distributed without the consent of the person represented.⁹¹
- ARCOM's powers have been extended to regulate foreign audiovisual services broadcast in France. Article 14 of the law requires online public communication service publishers and hosting providers to remove or cease broadcasting content from entities under European sanctions within 72 hours upon formal notice from ARCOM.⁹²
- The law increases penalties for distributing AI-generated visual or audio content depicting a person without their consent. Sharing deepfakes now carries a penalty of up to two years of imprisonment and a fine of 45,000 euros (about US\$47,000). This penalty rises to two years of imprisonment and a fine of 60,000 euros (about US\$63,000) if the deepfake is of a sexual nature.⁹³
- A new supplementary penalty has been introduced, allowing the suspension of social networking accounts used to commit certain offenses such as harassment, defamation, or invasion of privacy, for a maximum period of six months to one year.⁹⁴
- The law creates a new specific offense for the dissemination of sexual images made without the consent of the person depicted, punishable by two years of imprisonment and a fine of 60,000 euros.⁹⁵
- Article 24 of the SREN law introduces an "anti-scam filter" to combat online fraud. This mechanism requires internet browser providers to display a warning message, upon request from the supervisory authority, alerting users that a site they are about to visit is intended for illicit activities, such as the fraudulent collection of personal data. If the online service publisher is identifiable, the authority can issue a formal notice demanding an end to these

⁸⁸ Id. arts. 7, 8.

⁸⁹ Id. art. 7.

⁹⁰ Id. art. 12.

⁹¹ Id. art. 13.

⁹² Id. art. 14.

⁹³ Id. art. 15.

⁹⁴ Id. art. 16.

⁹⁵ Id. art. 21.

activities. If identification cannot be made within five days, the authority may instruct internet service providers to block access to the site for up to three months.⁹⁶

- Major online platforms must adopt charters for the monitoring and support of content moderators, including measures for training, psychological support, and well-being at work.⁹⁷

Protection of Businesses under the SREN Law

The third axis of the SREN law focuses on protecting businesses and supporting communities. It aims to restore commercial fairness by prohibiting dominant digital firms from favoring their own services, reduce companies' dependence on cloud providers, and strengthen the governance of digital regulation. To these ends,

- The SREN law introduces a legal definition of cloud computing services and assets. It limits the duration of cloud assets and prohibits exclusivity conditions.⁹⁸
- Article 27 of the LSREN aligns with the DSA provisions by mandating that cloud providers eliminate switching or data transfer fees in contracts with customers whenever a provider change occurs, whether to a single or "multicloud" setup, with administrative penalties of up to one million euros (about US\$1.04 million) for non-compliance.⁹⁹
- Article 27 also introduced Article L442-12 in the French Commercial Code, establishing that conditioning the sale of a product or service on entering a contract for cloud computing services constitutes an unfair commercial practice. The article further stipulates that the provision of cloud computing credit cannot be contingent upon any form of exclusivity imposed on the beneficiary by the credit supplier.¹⁰⁰
- Regarding interoperability, the law requires providers to ensure data portability. It also defines the French regulatory authority for electronic communications, postal services and press distribution (Autorité de Régulation des Communications Électroniques, des Postes et de la Distribution de la Presse, ARCEP) as the authority responsible for establishing the necessary technical rules. In the event of non-compliance, ARCEP can impose penalties of up to 3% of worldwide revenue excluding tax for the previous financial year and up to 5% if the breach is repeated within five years of the date on which the first penalty decision became final.¹⁰¹

⁹⁶ Id. art. 24.

⁹⁷ Id. art. 25.

⁹⁸ Id. art. 26.

⁹⁹ Id. art. 27.

¹⁰⁰ Id.

¹⁰¹ Id. arts. 28-30.

- The law also strengthens the protection of strategic data by imposing strict requirements for cloud services used by the state administration. These requirements include measures to ensure that sensitive data cannot be accessed by unauthorized foreign authorities.¹⁰²
- In addition, obligations relating to the hosting of health data have been strengthened.¹⁰³
- For transparency, cloud service providers are required to publish information on the jurisdictions with authority over the infrastructure used for data processing within their services, as well as the measures taken to protect data. They must also disclose their environmental footprint.¹⁰⁴
- In line with Article 25 of the DSA, online platform providers are prohibited from designing, organizing, or operating their interfaces in ways that deceive, manipulate, or otherwise impair or significantly hinder users' ability to make free and informed decisions. Failure to comply with these obligations regarding the design and organization of online interfaces is now considered a criminal offense, as are the violations outlined in articles 30 to 32 of the DSA concerning traceability.¹⁰⁵

Germany

Implementing Legislation & Digital Services Coordinator

On May 6, 2024, Germany passed a German Digital Services Act (Gesetz über digitale Dienste, DDG) to implement the requirements of the EU's DSA and other EU directives. The DDG entered into force on May 14, 2024.¹⁰⁶ It designates the Federal Network Agency (Bundesnetzagentur) as the competent authority according to article 49, paragraph 1 of the DSA.¹⁰⁷ A special unit within the Bundesnetzagentur will be established to act as digital services coordinator.¹⁰⁸ The digital services coordinator will be responsible for all matters relating to supervision and enforcement of the DSA, unless otherwise assigned in the DDG. It will receive sufficient financial, human, and equipment resources and be independent.¹⁰⁹ Furthermore, the digital services coordinator is endowed with the powers required under article 51 of the DSA.¹¹⁰ The head of the unit will represent Germany on the European Board for Digital Services.¹¹¹ The digital services coordinator

¹⁰² Id. art. 31.

¹⁰³ Id. art. 32.

¹⁰⁴ Id. art. 43.

¹⁰⁵ Id. art. 52.

¹⁰⁶ Gesetz über digitale Dienste [DDG], May 6, 2024, Bundesgesetzblatt [BGBl.] I no. 149, <https://perma.cc/YE7Y-MVAZ>.

¹⁰⁷ DDG § 12, para. 1.

¹⁰⁸ Id. § 14.

¹⁰⁹ Id. §§ 14, 15.

¹¹⁰ Id. §§ 24-27.

¹¹¹ Id. § 16, para. 2.

will draw up the annual activity report as required under article 55 of the DSA.¹¹² It is also designated as the central authority where a complaint may be lodged according to article 53 of the DSA.¹¹³ A user-friendly and easily accessible complaint management system is created to enable the submission of sufficiently precise and adequately reasoned complaints.¹¹⁴

The Federal Agency for Child and Youth Protection in the Media (Bundeszentrale für Kinder- und Jugendmedienschutz, BzKJ) is designated as the competent authority to enforce article 14, paragraph 3 and article 28, paragraph 1 of the DSA.¹¹⁵ A special unit within the BzKJ with a seat in Bonn will be created to enforce digital children's rights. It must be independent. The Federal Commissioner for Data Protection and Freedom of Information (Bundesbeauftragter für den Datenschutz und die Informationsfreiheit) is designated as the competent authority to enforce article 26, paragraph 3 and article 28, paragraphs 2 and 3 of the DSA.¹¹⁶

The Bundesnetzagentur, the BzKJ, the Federal Commissioner for Data Protection, and the digital services coordinators must work together and share observations to fulfill their duties.¹¹⁷

The Federal Criminal Office (Bundeskriminalamt, BKA) will act as the competent law enforcement authority to receive information that gives rise to a suspicion of criminal offenses from hosting services providers.¹¹⁸

Fines and Sanctions

Violations of the DSA are administrative offenses that may incur fines of up to 300,000 euros (about US\$312,000).¹¹⁹

Out-of-Court Dispute Settlement Body

The Bundesnetzagentur has appointed the User Rights GmbH as an out-of-court dispute settlement body.¹²⁰

¹¹² Id. § 17.

¹¹³ Id. § 20.

¹¹⁴ Id § 20, para. 3.

¹¹⁵ Id. § 12, para. 2.

¹¹⁶ Id. § 12, para. 3.

¹¹⁷ Id. § 18.

¹¹⁸ Id. § 13.

¹¹⁹ Id. § 33, paras. 4, 5.

¹²⁰ *Außergerichtliche Streitbeilegung*, Bundesnetzagentur, <https://perma.cc/J2KQ-GHGV>.

The Netherlands

Implementing Legislation

The Netherlands has not yet passed an act implementing the DSA. The Digital Services Regulation Implementation Act (Uitvoeringswet digitaledienstenverordening) is currently being discussed by the Dutch House of Representatives (Tweede Kamer).¹²¹

Digital Services Coordinator

The Netherlands Authority for Consumers and Markets (Autoriteit Consument & Markt, ACM) would be designated as the competent authority for enforcement and compliance with most of the DSA.¹²² The implementation act would also designate the Dutch Data Protection Authority (DPA) (Autoriteit Persoonsgegevens, AP) as a competent authority according to article 49, paragraph 1 of the DSA to supervise compliance of two provisions relating to the processing of personal data, on the use of profiling.¹²³

However, the Netherlands Authority for Consumers and Markets (Autoriteit Consument & Markt, ACM) has already been provisionally designated as the competent authority according to article 49 of the DSA and as digital services coordinator by ministerial decree for certain provisions of the DSA.¹²⁴ The decree entered into force on February 17, 2024.¹²⁵ The ACM cannot yet perform all necessary functions, such as appointing out-of-court dispute settlement bodies, as the implementation act has not yet been adopted.

Poland

On January 5, 2024, the Polish government initiated a public consultation on the implementation of the EU's DSA. The consultation included information on draft changes to Polish laws and regulations necessary for implementing the DSA in Poland.¹²⁶

¹²¹ Uitvoeringswet Digitaledienstenverordening, file no. 36531, <https://perma.cc/A6GC-GXT2>. The status of the legislation may be checked on the website of the Tweede Kamer at <https://perma.cc/E2NS-5KEK>.

¹²² Uitvoeringswet Digitaledienstenverordening, chapter 2.

¹²³ Uitvoeringswet Digitaledienstenverordening, chapter 3.

¹²⁴ Besluit voorlopige aanwijzing ACM als bevoegde autoriteit en digitaledienstencoördinator digitaledienstenverordening, Feb. 11, 2024, Staatscourant [StCrt] 2024, 3993, <https://perma.cc/6MXR-A5CE>.

¹²⁵ Id. art. 2.

¹²⁶ Ministry of Digital Affairs of the Republic of Poland, Consultation on the Implementation of the Digital Services Act, Jan. 5, 2024, <https://perma.cc/Q95Q-EAK4> (in Polish); Assumptions of the Draft Act Amending the Act on the Provision of Services by Electronic Means and Certain Other Acts Implementing Regulation (EU) 2022/2065 of the European Parliament and of the Council of Oct. 19, 2022, on the Single Market for Digital Services and Amending Directive 2000/31/EC (Digital Services Act) (the Regulation), <https://perma.cc/5G8T-56KL> (in Polish).

The public consultation was closed on January 19, 2024. According to the official website of the government of Poland, the draft act's amendments aim to modify existing laws concerning electronic services and telecommunications as well as various sectoral regulations.

To ensure alignment with the EU's DSA, the draft amendments would designate a digital services coordinator in Poland; introduce mechanisms for effective regulation, supervision, and enforcement in the digital services sector; and establish national procedures. These procedures would include certification and detail procedures for various categories such as vetted researchers and trusted flaggers, and the certification of extrajudicial dispute resolution bodies.¹²⁷

In addition, the draft legislation stipulates that the competent authority will be able to impose fines on entities obliged to comply with the provisions of the DSA, based on the criteria and conditions outlined within the regulation.¹²⁸

The Ministry of Digital Affairs is responsible for coordinating the implementation of the DSA in Poland.¹²⁹

Romania

On March 18, 2024, Law No. 50/2024, aimed at implementing the requirements for digital services under the EU Digital Services Act, was adopted by the Romanian Parliament.¹³⁰

According to the law, the National Authority for Management and Regulation in Communications (ANCOM) has been designated as the coordinator of digital services. ANCOM is authorized to oversee all aspects related to the supervision and enforcement of the DSA Regulation by intermediary service providers.¹³¹

Under Law No. 50/2024, a provider of intermediary services from Romania is defined as a provider whose main place of establishment is in Romania, who resides in Romania, or whose legal representative is established in Romania, and who offers to recipients established or located in the EU at least one of the intermediary services provided by the DSA Regulation.¹³² The powers of market surveillance authorities are referred to as "relevant authorities" in various sectors or

¹²⁷ Id.

¹²⁸ Id.

¹²⁹ Id.

¹³⁰ Law of Mar. 18, 2024, No. 50, on the Establishment of Measures for the Application of Regulation (EU) 2022/2.065 of the European Parliament and of the Council of Oct. 19, 2022, on a Single Market for Digital Services and Amending Directive 2000/31/EC (Regulation on Digital Services, and for amending and supplementing Law, No. 365/2002 on Electronic Commerce (DSA Regulation), No. 232 of Mar. 19, 2024, <https://perma.cc/HXC9-EJX4> (in Romanian).

¹³¹ Id. art. 4, para. 1(3); ANCOM, ANCOM, <https://perma.cc/RBL3-YHAD>.

¹³² Law No. 50/2024 art. 2, para. 1(d), art. 3.

areas of activity, including institutions, public authorities with supervisory powers over specific sectors or fields of activities, and judicial authorities.¹³³

These authorities have the ability to issue orders requiring an intermediary service provider to take action against illegal content online or to provide certain information.

“Illegal content” refers to any information that, by itself or in relation to an activity, including the sale of products or the provision of services, is not in compliance with EU law, regardless of the precise subject matter or nature of that law.¹³⁴

Under this law, all online activities must comply with applicable national laws, and public authorities responsible for supervising specific sectors offline must ensure that the same rules are equally observed online.¹³⁵

The law grants judicial authorities the right to issue orders as part of the actions, activities or proceedings they conduct according to the applicable legal provisions.¹³⁶ In this context, the intermediary service provider must provide ANCOM with information on the implementation of orders issued by these judicial authorities.¹³⁷

Furthermore, the law obligates intermediary service providers to submit an information notice no later than 45 days after the commencement of the service provision. The notice must identify, in concrete terms, the undertakings providing activities that fall within the scope of the DSA Regulation.¹³⁸

This information must be sent to ANCOM, which may, by decision, require compliance with certain requirements regarding the form, content, and conditions for the information outlined under the law. Additionally, any changes to the data contained in the initial information must be reported to ANCOM within 10 days of their occurrence.¹³⁹

Upon receiving an order to act against illegal content or to provide specific information, the intermediary service provider must inform the relevant authorities about how it has acted on that order. The monitoring of compliance with the order to remove illegal content must be conducted by the issuing authority.¹⁴⁰

¹³³ Id. art. 2, para. 1(a).

¹³⁴ Id. art. 2(b), art. 4, para. 1(e), (f).

¹³⁵ Id.

¹³⁶ Id. arts. 9, 10.

¹³⁷ Id. arts. 9, 10.

¹³⁸ Id. art. 5, para. 1.

¹³⁹ Id. art. 5, para. 1(b)(2)-(4).

¹⁴⁰ Id. art. 8, paras. 2, 3.

In exceptional cases, and only based on judicial authorization granted by the president of the Bucharest Court of Appeal or a judge delegated for this purpose, ANCOM may conduct inspections as part of its investigative powers. The authorization from a judge ensures that the rights of the intermediary service provider are respected.¹⁴¹

ANCOM's inspection staff may also conduct unannounced inspections and may request any type of information or justification related to their assignments, both on-site and when convened at ANCOM's premises.¹⁴²

Following such inspections, measures may be ordered to seal certain premises used by the intermediary service provider.¹⁴³ The provider retains full rights for the protection of its interests, including the right to appeal the decision ordering the inspection within 24 hours before the High Court of Cassation and Justice. Notably, the appeal does not suspend the enforcement of the decision.¹⁴⁴

Noncompliance by the intermediary service provider with the obligation to inform the authority issuing the order, or any other authority, is subject to penalties. This includes failure to transmit correct, complete, or non-misleading information, failure to respond, failure to rectify incorrect, incomplete, or misleading information, and refusal to submit to an inspection. Such noncompliance may result in a fine ranging from 5,000 Romanian Lei (RON, approximately US\$1,000) to a maximum of 1% of the annual income or annual worldwide turnover generated in the previous financial year by the provider.¹⁴⁵

Additionally, failure by the provider to comply with the obligation to transmit information to ANCOM, including all data and any changes to such data, within the prescribed time limit and in the required format, constitutes a misdemeanor. Such failure is punishable by a fine ranging from 5,000 RON to 30,000 RON (about US\$6,300).¹⁴⁶

Misdemeanors are recorded by ANCOM's inspection staff in an assessment and sanctioning report, which can be challenged within 15 days, in the Administrative Litigation Section of the Bucharest Court.¹⁴⁷

¹⁴¹ Id. art. 28, para. 1.

¹⁴² Id. art. 28.

¹⁴³ Id. art. 28, para. 2(a)-(e).

¹⁴⁴ Id. art. 28, para. 9.

¹⁴⁵ Id. art. 32, paras. 1-54, art. 34(a), (b).

¹⁴⁶ Id. art. 33, paras. 2, 3.

¹⁴⁷ Id. art. 34.

Sweden

Implementing Statute and Regulation

In meeting its obligations under the DSA, Sweden has adopted a separate statute and a regulation to specify the coordination and enforcement authorities and provide for sanctions. These are the Act on Complementary Rules to the EU's Regulation on Digital Services¹⁴⁸ and the Regulation with Complementary Rules to the EU's Digital Services Act.¹⁴⁹ The regulation entered into force in Sweden on December 1, 2024.¹⁵⁰

Digital Services Coordinator and Enforcement Authorities

The Regulation with Complementary Rules to the EU's Digital Services Act designates the Post och telestyrelsen (PTS) (The Swedish Post and Telecom Authority) as the Digital Services Coordinator.¹⁵¹ The Swedish Consumer Agency and Swedish Agency for Media both are designated as additional enforcement authorities.¹⁵² PTS is responsible for coordinating the work between the enforcement authorities.¹⁵³ As Digital Services Coordinator, PTS is responsible for voting in the European Board for Digital Services.¹⁵⁴ PTS also has the power to issue regulations under the Act on Complementary Rules to EU's Regulation on Digital Services, but must first hear input from both the Swedish Consumer Agency and the Swedish Agency for Media.¹⁵⁵

Fines and Sanctions

As regulated in the DSA, member states shall ensure effective, proportional, and dissuasive sanctions for violations of the DSA and set the maximum penalties for fines and periodic penalty payments. Under Swedish law, a pecuniary fine (*vite*) may not exceed 5% of the average global turnover or the daily global income, based on the preceding financial year.¹⁵⁶ The supervisory fee (*utredningsskadeavgift*) may not exceed 1% of the amount annual income or global annual turnover under the preceding financial year.¹⁵⁷

¹⁴⁸ Lag med kompletterande bestämmelser till EU:s förordning om digitala tjänster (SFS), <https://perma.cc/9KUN-Y4CA>.

¹⁴⁹ Förordning med kompletterande bestämmelser till EU:s förordning om digitala tjänster (2024:958), <https://perma.cc/993K-48LW>.

¹⁵⁰ Betänkande 2024/25:NU7 Kompletterande bestämmelser till EU:s förordning om digitala tjänster, <https://perma.cc/62CJ-766U>.

¹⁵¹ 4 § Förordning med kompletterande bestämmelser till EU:s förordning om digitala tjänster (SFS 2024:958).

¹⁵² Id. 5-6 §§.

¹⁵³ Id. 8 §.

¹⁵⁴ Id. 10 §.

¹⁵⁵ Id. 11 §.

¹⁵⁶ 16 § Act on Complementary Rules to EU's Regulation on Digital Services.

¹⁵⁷ Id. 19 §.

Sanction fees shall be issued at a minimum SEK 5000 (about US\$450) or at maximum 6% of the global annual turnover for the relevant provider based on the preceding financial year.¹⁵⁸

¹⁵⁸ Id. 25 §.