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The Digital Markets Act: Deadlines and Next Steps

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Digital Services Act ("DSA"), the Digital Markets Act ("DMA")ⁱⁱ, the proposal for Data Actⁱⁱⁱ, the Data Governance Act^{iv} and the proposed AI Act^v constitute a legislative package of adaptation to the so-called "Digital Age" directed especially to platforms and search engines.

The legislative package aims to establish bases of protection for end-users and businesses using digital services by holding gatekeepers (entities that control access to critical online services available to a large number of users) and other players in the provision of digital services, (*Big Tech*), accountable.

In particular, the DSA applies to intermediary services offered to recipients of the service whose place of establishment is within the European Union (EU) or located therein, regardless of where the providers of these services have their place of establishment (conductance services, providing access to or transmitting information in a communication network, caching services, transmitting information in a communication network also involving the temporary storage of that information and hosting services, consisting of the storage of information provided by a user of the service), thus applying not only to internet access providers, but also to cloud and webhosting services, search engines, online platforms such as media platforms, online marketplaces, application shops and collaborative economy platforms, among others.

Adaptations to the DSA obligations are envisaged, depending on the size and scope of impact of the intermediaries.

For the DSA (as well as the DMA) it is expected, on the consumers' side, that the application of these precepts will lead to a more complete protection of their rights, access to truly competitive market prices and less exposure to illegal content.

All digital advertising will now also have a regulatory framework, in addition to that already provided by the GDPR, in the DSA. As well as the express prohibition of any type of mechanism designed to distort the end user's perception, also complementing the provisions of consumer protection diplomas.

On the side of companies using digital services, it is expected that the entry into force of these diplomas will lead to a more regulated access, limiting anti-competitive practices, to the European digital market.

To enforce the DSA's rules, the European Commission has established itself as the main enforcer of the law, aligning itself with the transnational activity of the targeted parties, in cooperation with the competent National Authorities.

To this end, the European Centre for Algorithmic Transparency ("ECAT"), based in Seville, has been set up, comprising a group of specialists with cross-cutting competences who are trained to enforce and monitor compliance with these laws.

Deadlines To Remember:

- **17 February 2023** - Deadline for platforms to communicate the number of active end-users on their platform.
- After this communication the European Commission will designate them as a "very large online platform" ("VLOP") or a "very large online search engine" ("VLOSE") (this qualification is awarded when the average monthly number of users is 10% or more of the total EU consumers (for now, more than 45 million active users per month).
- By **April 2023** - Platforms identified as VLOP or VLOSE will have four months to comply with their DSA obligations.
- **April 2023** - ECAT operationalization estimate.
- **17 February 2024** - DSA becomes fully applicable to all online service providers.

ⁱ Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a single market for digital services and amending Directive 2000/31/Ec (Digital Services Act), available [here](#).

ⁱⁱ Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector and amending directives (EU) 2019/1937 And (EU) 2020/1828 (Digital Markets Act), available [here](#).

ⁱⁱⁱ Proposal for a regulation of the European Parliament and of the Council on harmonized rules on fair access to and use of data (Data Act), available [here](#)

^{iv} Regulation (EU) 2022/868 of the European Parliament and of the Council of 30 May 2022 on on European data governance and amending Regulation (EU) 2018/1724 (Data Governance Act), available [here](#).

^v Proposal for a regulation of the European Parliament and of the Council laying down harmonized rules on Artificial Intelligence (Artificial Intelligence Act) and amending certain union legislative acts, available [here](#).