

## Digital Services Act

2025

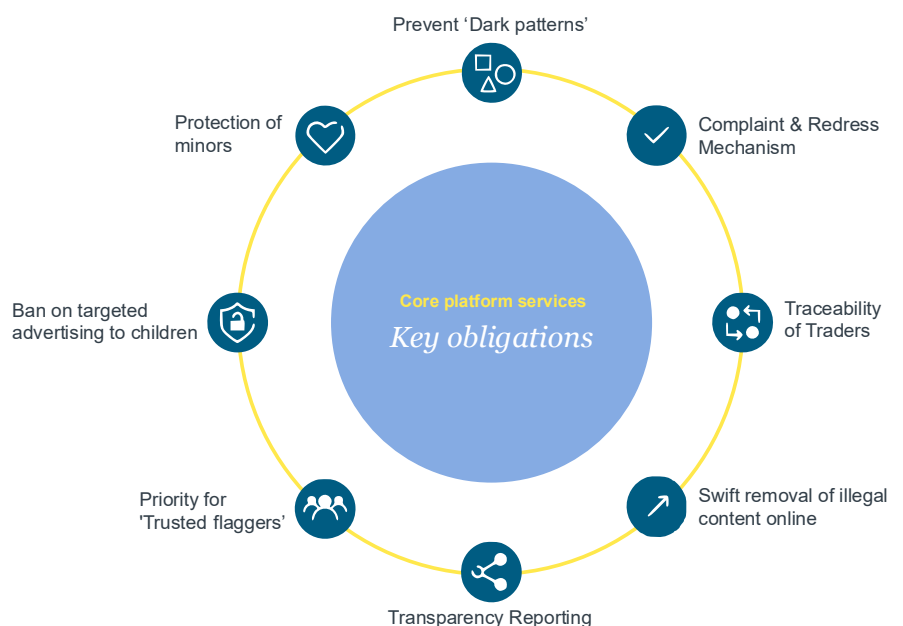
*The Digital Services Act (DSA) is a ground-breaking EU instrument regulating the provision of digital services in the internal market. It is designed to set a global benchmark in the field of digital regulation and its level of ambition is clear from its extraterritorial effect.*

### Key obligations

The DSA applies to service providers, such as social media, hosting service providers, online marketplaces, app stores and collaborative economy platforms.

Very large online platforms (**VLOPs**), and very large online search engines (**VLOSEs**), with more than 45 million monthly active users in the EU, are subject to more stringent rules including the following:

- **Advertising Transparency:** requirement to include information on why a user was targeted with a particular ad and to set out the main parameters used for recommender systems
- **Appoint a compliance officer:** carry out an assessment of systemic risks
- **Carry out an annual independent audit:** at the platform's own expense
- **Algorithm Accountability:** the European Commission and national authorities are empowered to access the algorithms of VLOPs/VLOSEs upon request
- **Inclusion of search engines:** requirement to delist any links leading users to illegal content.



## Enforcement

DSA enforcement primarily rests with national “**Digital Services Coordinators**” (**DSCs**), i.e., the national competent authorities appointed by the EU Member States. The DSCs meet and coordinate their activities in a **European Board for Digital Services** which acts as an advisory body. However, enforcement of the DSA primarily lies with the Commission in relation to VLOPs and VLOSEs. Regulators have the power to issue **finest of up to 6% of a company's annual global revenue** during the preceding year. In the most egregious cases, regulators could temporarily ban a digital company from operating within the EU.


## Timeline of DSA implementation


The Digital Services Act entered into force in **November 2022** and has become fully applicable to all digital service providers since **17 February 2024**. By way of derogation, the VLOP/VLOSE-specific provisions of the DSA apply to VLOPs/VLOSEs starting 4 months after their designation – this resulted in the first wave of designated VLOPs/VLOSEs being subject to them (and the entire DSA) as early as **25 August 2023**.

## We can support you with compliance

Bird & Bird's team of experts is on hand to help your organisation prepare for compliance with the incoming rules, including by:

- Conducting a **scoping exercise** to determine the applicability of the DSA to your products or services
- Carrying out an **impact analysis** to determine which rules under the DSA applies to your organisation
- **Reviewing current policies, products & strategies** to assess what changes need to be made to align with DSA requirements
- Drafting a **practical compliance plan** with specific target dates & supporting implementation
- **Assessing the DSA guidelines**, Implementation and Delegated Acts as they are published by the Commission
- **Mapping DSA's impact** on IP, data protection, advertising, consumer protection, children's data and any harmful/illegal content laws
- **Identifying risks** & assisting with design of internal processes and **governance framework**
- Reviewing of user interfaces for issues with **dark patterns**
- **Updating terms of service** to reflect user rights and recommender provision
- **Training of DSA compliance officers**, legal, marketing & engineering teams
- **Assisting with enforcement**, litigation & complaints e.g., contacts with regulators, trusted flaggers
- **Updating contracts** to reflect impact on supply, cloud, outsourced services and vendor relationships

 *More information*



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# Contacts



*Francine Cunningham*

Regulatory & Public Affairs Director

Brussels  
+32 2 282 6000  
[francine.cunningham@twobirds.com](mailto:francine.cunningham@twobirds.com)



*Benoit Van Asbroeck*

Of Counsel

Brussels  
+32 2 282 6067  
[benoit.van.asbroeck@twobirds.com](mailto:benoit.van.asbroeck@twobirds.com)



*Deirdre Kilroy*

Partner

Dublin  
+353 1 (0)574 9850  
[deirdre.kilroy@twobirds.com](mailto:deirdre.kilroy@twobirds.com)



*Berend Van Der Eijk*

Partner

Amsterdam  
+31 70 353 8854  
[berend.vandereijk@twobirds.com](mailto:berend.vandereijk@twobirds.com)



*Anthony Rosen*

Legal Director

London  
+44 20 7905 6243  
[anthony.rosen@twobirds.com](mailto:anthony.rosen@twobirds.com)



*Lisa Gius*

Associate

Brussels  
+32 2 282 6094  
[lisa.gius@twobirds.com](mailto:lisa.gius@twobirds.com)

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