
Approval of Digital Services Package

Final versions of Digital Services Act and Digital Markets Act voted on and approved

Legal flash – Intellectual Property, Media, and IT
July 6, 2022



Key aspects

- > Proposal for a Regulation of the European Parliament and of the Council on a single market for digital services (Digital Services Act), amending Directive 2000/31/EC
- > Proposal for a Regulation of the European Parliament and of the Council on contestable and fair markets in the digital sector (Digital Markets Act)



I. General notes on Digital Services Package

- > In December 2020, the European Commission published two proposals for regulations known as the Digital Services Act and the Digital Markets Act (“DSA” and “DMA,” respectively).
- > The DSA amends the E-Commerce Directive (Directive 2000/31/EC), which regulates the liability of intermediary service providers (digital platforms) between consumers and goods, services and content, creating a regime that is better suited to the needs of today’s information society. The new legal provisions aim to facilitate the entry of new players into the market by establishing different legal obligations according to the size of the company involved. The legislative initiative also aims to make the digital environment safer and more transparent for consumers by establishing effective guarantees for users, as well as new traceability, monitoring and supervision obligations for intermediary service providers.
- > As for the DMA, it aims to provide a fairer and more transparent digital environment for professional users of key platform services. To this end, the legislation in the process of being included in the EU legal order contains, among other innovating initiatives, a series of prohibitions aimed at eradicating the potentially unfair practices these platforms carry out against professional users.
- > After the Commission presented the regulation proposals, there were several further stages in the legislative process.
- > On Tuesday, July 5, 2022, the final vote on the DSA and DMA was held, and both acts were adopted with 539 and 588 votes in favor respectively.
- > The acts are now awaiting formal approval by the Council, which is expected to be given in the next few days.
- > Once the acts have been formally adopted by the Council, they will both be published in the Official Journal of the European Union, and they will enter into force 20 days after they have been published. The DSA, in particular, will apply 15 months after entering into force or on January 1, 2024 (whichever is later), while the DMA will apply six months after it enters into force.



II. Final provisions

These two acts will revolutionize the *modus operandi* of digital platforms and other intermediary service providers, and economic operators will have to adapt to this new reality, as they will have to comply with several additional obligations in the digital market.

As the acts in question are regulations, once they have been published in the Official Journal of the European Union and the period between publication and application (*vacatio legis*) has ended, they will become directly applicable in the Portuguese legal order without requiring any national transposing legislation.

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