



May 2024

The Digital Services Act has been in force since February 2024 - Is your platform already DSA-compliant?

With the Digital Services Act (DSA), new legal requirements for online platforms have been in force since February 17, 2024. Have you already made all the relevant adjustments? We give you an overview of what the DSA focuses on:

DSA Requirements



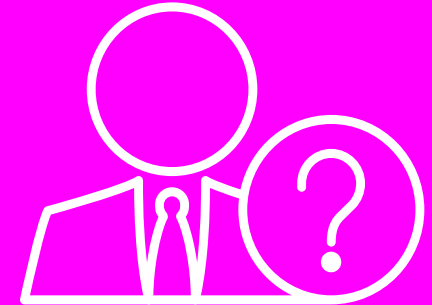
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Transparency Obligations



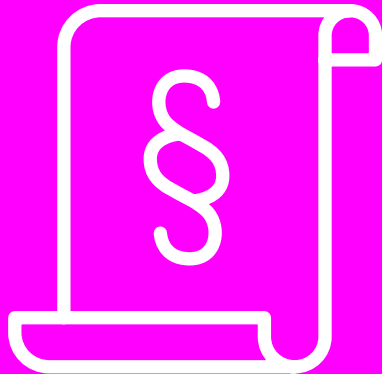
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Impact on Your Terms and Conditions



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KYBC



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DSA

Requirements

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I. Content deletion processes / notice-and-take-down

The DSA requires online intermediary service providers to adapt their processes and requirements with regard to the notice and possible deletion of illegal content. The following is a list of the most important points that you should consider when reviewing your content deletion processes with regard to the DSA requirements.

- Firstly, online intermediary service providers should review and, if necessary, revise their existing processes for reporting and removing illegal content.
- On the other hand, suitable procedures for identifying and removing illegal content should be put in place. This can include the use of automated tools and manual moderation.
- In addition to reviewing existing processes, online intermediary service providers should also determine whether and, if so, which specific types of content are not permitted on their platform.
- Furthermore, moderation processes must be implemented in the event of deletions. This includes the definition of criteria for the deletion of content and the establishment of a complaints procedure for users who do not agree with the deletion of their content.

Impact on Your Terms and Conditions

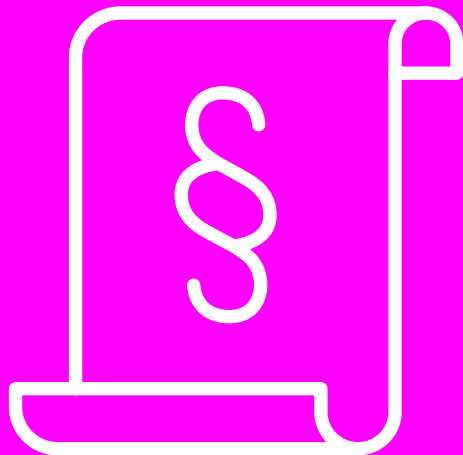
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II. Adaptation of the GTC

The **DSA** contains new requirements for the **General Terms and Conditions (GTC)** of online providers. Decisive adjustments are:

- **Dealing with and restrictions on content:** You must be transparent about how you deal with illegal and harmful content and what measures you take in the event of breaches of your terms and conditions.
- **Changes to the terms and conditions and termination of the offer:** You must define clear rules for changing your terms and conditions and terminating your offer.
- **Moderation of content:** You must be transparent about how you moderate content, including the use of algorithms and human control.
- **Internal complaint management system:** You must set up an internal complaint management system and describe how users submit complaints and how they are handled.

KYBC

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III. Adaptation of the Know Your Business Customer Principles (KYBC)

The **DSA** introduces new requirements for the **Know Your Business Customer Principles (KYBC)** of online providers. To ensure legal certainty, you should review your KYBC processes and adapt them to the DSA requirements.

The DSA places extensive requirements on KYBC processes. It is necessary to comprehensively identify merchants and assess them in terms of their registered office, corporate structure and creditworthiness.

Transparency Obligations

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IV. Review and adjustment of transparency obligations

Providers of online services must fulfill various transparency obligations under the DSA. These relate in particular to the placement of advertising, out-of-court dispute resolution and the use of recommendation systems.

- When placing **advertising**, providers must make it clear who is responsible for the advertising and the parameters according to which it is displayed to the user. This is to ensure that users can better understand the origin and intentions of the advertising.
- Information on **out-of-court dispute resolution** must be provided. Users must have the option of contacting an independent body to resolve disputes with the provider. This can help to avoid legal disputes and resolve conflicts more quickly and cost-effectively.
- When using **recommender systems** (e.g. rankings), the most important parameters that influence the system must be set out. Users must be able to change or influence these parameters. This should ensure that users better understand how the recommender systems work and retain control over the content displayed to them.

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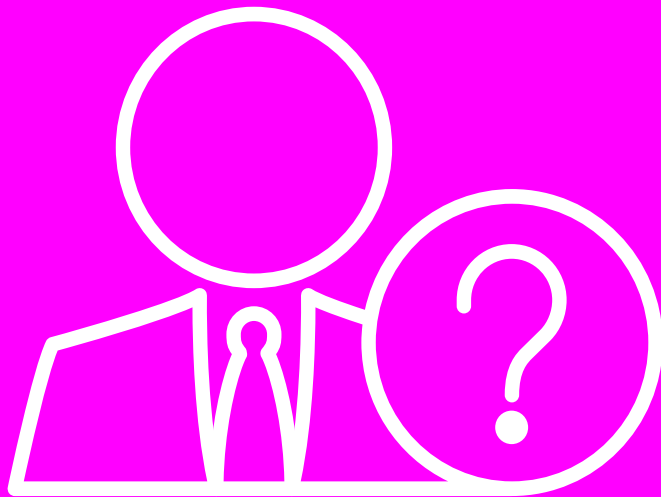
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Do you need support and comprehensive information?

Our team is on hand to support you in dealing with the DSA. You can find comprehensive information on the DSA and its impact on your business on our focus page. Get in touch with us.

skwschwarz.de/dsa



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