

Product Risk Radar

Digital Services Act (from a products perspective)

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The aim of the Digital Services Act (“**DSA**”) is to facilitate innovation and competition to ensure the development of innovative cross-border digital services, while at the same time maintaining a safe online environment by seeking to balance the responsibilities of users, platforms, and public authorities.

What are the key takeaways?

The growth of e-commerce has led to a considerable expansion of companies offering goods and services to consumers via new and evolving distribution models. It is hoped that the DSA can work alongside the EU Product Liability Directive, which is currently being revised, to provide guidance on liability and responsibilities in respect of the sale structures of e-commerce and offer further protection for consumers that purchase goods via platforms from traders or manufacturers (including those based outside of the EU).

Why should your business care?

All online marketplaces offering their services in the EU will have to comply with the DSA and they will have obligations in terms of transparency, protection of consumers online (for example from illegal or fake products) and cooperation with national authorities. The bigger the company (and greater the impact on society), the stricter the rules become.

What comes next?

The final step in the legislative process was completed on 4 October 2022; the EU's Economic and Financial Affairs Council formally adopted the DSA, which came into force on 16 November 2022. The DSA will be directly applicable across the EU from 17 February 2024, fifteen months after entry into force.

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