SmartSuite

Framework / Risk Management / Other

EU Digital Services Act (DSA) – Regulation (EU) 2022/2065

The EU Digital Services Act sets notice-and-action, transparency and risk duties for online intermediaries, with the heaviest rules for platforms with 45 million or more EU users.



What it is

The Digital Services Act (Regulation (EU) 2022/2065) sets rules for providers of intermediary services that reach people in the European Union: conditional exemptions from liability, notice-and-action procedures for illegal content, and extra duties for online platforms and for very large platforms and search engines with 45 million or more average monthly active recipients. It entered into force on November 16, 2022 and has applied to all providers since February 17, 2024.

The European Parliament and the Council adopted it on October 19, 2022. Each Member State names a Digital Services Coordinator, and the European Commission supervises very large online platforms and very large online search engines directly. It applies to intermediary services offered to recipients established or located in the Union wherever the provider is established (Article 2).

At a glance

PUBLISHER European Parliament and Council of the European Union	TYPE Regulation	VERSION Regulation (EU) 2022/2065
EFFECTIVE November 16, 2022 (entry into force); applies to all providers from February 17, 2024	DOMAIN Risk Management	FAMILY Other
REGION European Union	ADOPTION MODEL Regulatory Compliance	IMPLEMENTATION COMPLEXITY High

Source: eur-lex.europa.eu/eli/reg/2022/2065/oj

Why it matters

- **Duties that grow with reach** Obligations are cumulative across intermediary services, hosting services, online platforms and very large online platforms and search engines.
- **A defined path for illegal content** Hosting providers must offer notice mechanisms, decide notices diligently and explain restrictions with a statement of reasons (Articles 16 and 17).
- **Users can challenge decisions** Online platforms give an internal complaint system and access to out-of-court dispute settlement (Articles 20 and 21).
- **Systemic risk is regulated** Very large platforms must assess and mitigate systemic risks and be independently audited (Articles 34, 35 and 37).

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How SmartSuite supports EU DSA

Service Category Register

Record each service, its DSA category and whether the micro and small enterprise exclusion applies (Articles 19 and 29).

Notice and Statement of Reasons Log

Track notices received, decisions, statements of reasons and redress options (Articles 16 and 17).

Complaints and Dispute Settlement

Run the internal complaint system and out-of-court dispute cases with deadlines and outcomes (Articles 20 and 21).

Transparency Reporting Calendar

Schedule the annual transparency report and the six-monthly recipient number publication (Articles 15 and 24).

Systemic Risk Register

Hold risk assessments, mitigation measures, audit findings and action plans for very large services (Articles 34, 35 and 37).

Regulator Contact File

Keep contact points, legal representative details and Digital Services Coordinator or Commission correspondence in one record (Articles 11 to 13).

Common framework mappings

GDPR | ISO 27001:2022 | ISO 27701 | NIS2 (EU 2022/2555) | NIST CSF 2.0 | SOC 2

Official resources

EU Digital Services Act (DSA) Text

Provides the official text of the Digital Services Act as published by the European Union.

eur-lex.europa.eu/eli/reg/2022/2065/oj

European Commission DSA Overview

Outlines the objectives, scope, and key provisions of the Digital Services Act.

digital-strategy.ec.europa.eu/en/policies/digital-services-act

Digital Services Act Guidance

Offers guidance on implementing the Digital Services Act for compliance and best practices.

digital-strategy.ec.europa.eu/en/policies/digital-services-act

Frequently asked questions

When does the Digital Services Act apply?

It entered into force on November 16, 2022 and applies to all providers from February 17, 2024. A few provisions, such as the rules on recipient numbers and the designation of very large platforms, applied earlier, from November 16, 2022 (Article 93).

Which services does it cover?

Intermediary services offered to recipients established or located in the Union, wherever the provider is established: mere conduit, caching and hosting, and within hosting, online platforms and online search engines (Articles 2 and 3).

What must a hosting provider do about illegal content?

Offer an easy notice mechanism, process notices diligently and objectively, tell the notifier the decision and redress options (Article 16), and give affected recipients a clear statement of reasons for restrictions on content, payments, services or accounts (Article 17).

What makes a platform very large?

An online platform or search engine with at least 45 million average monthly active recipients in the Union that the Commission designates (Article 33). It then faces systemic risk assessment, mitigation, independent audit, data access and a compliance function (Articles 34 to 43).

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What are the penalties?

The Commission can fine very large providers up to 6 percent of worldwide annual turnover (Article 74). Member States set penalties for other providers, with a maximum of 6 percent for failing to comply with an obligation and a lower cap for incorrect information (Article 52).

License included / downloadable: Yes The Regulation is EU law published in the Official Journal and is included with the platform for reference.

Full framework page and mappings: smartsuite.com/frameworks/eu-digital-services-act-dsa-regulation-eu-2022-2065