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The EU's Digital Services Act: A Paradigm Shift for Online Intermediaries

Following the European Council's approval last week, the Digital Services Act (DSA) has been officially adopted, starting the countdown to the law's entry into force later this year. The DSA builds on the Electronic Commerce Directive 2000 (e-Commerce Directive) and regulates the obligations of digital services that act as intermediaries in connecting consumers with third-party goods, services, or content.

The DSA is a paradigm-shifting law that features due diligence and transparency obligations for all online intermediaries. In addition to the more commonly seen notice-and-takedown and transparency requirements for "illegal content," the DSA contains novel and extensive obligations related to global content moderation, advertising, data access, and product design practices.

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