

Brussels, 05 July 2022

The Digital Services Act is adopted, but does not fix the Internet.

The Federation of European Publishers (FEP) welcomes the final adoption of the Digital Services Act (DSA) Regulation today by the European Parliament. The DSA was proposed under the motto “what is illegal offline is also illegal online”, a goal which publishers fully supported as victims of illegal activities online, along with their authors.

The final agreement reached between the co-legislators corrects some previous proposals that would have made the fight against illegal content more difficult than it already was under the E-Commerce Directive of 2000. The DSA provides a harmonised legal framework that will allow European publishers to continue protecting their content online. It also subjects the largest online services to additional obligations to tackle the systemic risks they may pose, including with regard to illegal content.

Publishers need effective rules and mechanisms to ensure that their content can be protected online and that illegal uses of their works are swiftly removed on all kinds of websites. Publishers are predominantly SMEs, and they cannot afford costly judicial procedures or a game of “whack-a-mole” where illegal content is constantly removed and then re-uploaded immediately.

Peter Kraus vom Cleff, President of FEP, declared “Europe is showing once again its willingness to regulate the online world, but the DSA does not fix the significant issue which is the spread of illegal content online. I regret that it does not include stronger tools to fight illegal content, such as a fair notice-and-stay-down mechanism. The DSA can only be a first step which the European Union will need to follow-up on in the future to actually ensure that illegal content online does not reappear after being removed”.

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