

How To Prepare For The Upgraded Digital Services Laws in Europe

10 Step Checklist to Avoid Legal Risks

The use of digital platforms over the last twenty years has become a significant part of everyday life. It is undeniable that the way consumers purchase their products and engage with services on the internet has changed substantially since times past.

The modern consumer has global buying power, and suppliers must adapt in order to meet this consumer demand.

This change in consumer behaviour has brought both benefits, but also introduced legal risks that have required careful consideration by regulators and legislators alike.

In particular, the competitive advantage of online sale mechanisms, and their role as gatekeepers between businesses and internet users, and the potential ability for foreign entities to supply global markets with little responsibility in each country are the main motivators behind recent legislation on this topic.

- Traders should inform customers on information on price and price reduction.
- Traders should ensure data and consumer protection laws are applied to their sites, customer reviews are confirmed, and third party traders are confirmed.
- Cooperation is maintained with the market surveillance authorities.
- Under the DMA, Gatekeepers have to ensure that their obligations are fulfilled within 6 months after their designation in accordance with Article 5.
- Gatekeepers will need to ensure that company practices are kept up to date to remain compliant with the EC monitoring efforts.
- Online platforms, particularly online search engines, should ensure they have, or begin to create, an effective mechanism in place to flag any illegal or harmful content on their sites.
- Terms and conditions with users of online platforms should be revisited to ensure they are clear regarding content moderation.
- The different ways that users can appeal or challenge a decision (or 'strikes') issued by an online platform against them should be clearly set out and easily accessible by the user.
- Entities who sell products via online platforms should be betted to ensure that they have active contact details and are selling compliant products and/or services on the platform.
- Mechanisms for the protection of minors should also be in place that will stand up to scrutiny should they be questioned by the Member State's Digital Service Coordinator or the EC.

In Practice Series

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