Regulation on a Single Market for Digital Services (Digital Services Act)

I. Executive Summary

The European Data and Marketing industry plays a crucial role in helping marketers to effectively communicate reliable information and services to individuals. Reaching the right audience is particularly important for European small on medium sized enterprises which are trying to survive in a highly competitive environment. Data marketing contributes to a vibrant European business community, by giving them the opportunity to communicate to consumer alternative offers to well established brands and large commonly known online platform.

As the leading voice for the data and marketing industry in Europe, FEDMA welcomes the European Commission’s proposal for a Digital Services Act (DSA) and fully supports the objective to set a “modern rulebook across the Single Market” to protect citizens and fundamental rights online as well as foster innovation, growth, and competitiveness in the EU. We encourage constant dialogue with civil society to achieve a harmonized and balanced legal framework.

FEDMA defends a thriving environment for marketers powered by user’s trust.

The framework established by the DSA should provide legal certainty for online services, thus enabling the industry to easily take on the new responsibilities. FEDMA also believes that the DSA should keep an approach which ensures coherence with other legal frameworks, keeping the existing body of EU law in mind and avoiding contradictions with other legislative initiatives currently in the pipeline. In addition, policymakers should avoid general bans on existing technologies, but rather ensure their application in full respect of the GDPR. Finally, FEDMA stresses the need to ensure timely and effective enforcement of the DSA based also on the experience accumulated under the General Data Protection Regulation (GDPR).

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A. A clear legal framework

FEDMA welcomes the progressive distribution of responsibilities across distinct categories of intermediary services. It is therefore paramount to provide the necessary legal certainty allowing all information providers, especially SMEs, to identify in advance their respective category and weigh in their respective obligations. Moreover, Transparency is essential in building trust in the advertising industry, and in the data economy in general. The 2018 GDMA Global data privacy report showed that 88% of consumers cite transparency as the key to trusting organisations. In this context, FEDMA wishes to leverage the “AdChoices Icon”

1) Clarify the scope of the DSA

Further clarity is needed to avoid any potential “knock-on” effect on EU SMEs, potentially falling in the wrong category of intermediary services. Such clarity is also paramount to ensure consistency with other legislations. Specifically, we call on policymakers to clarify the following definitions:

- **Active recipient of a service** (Art.25.1): First, drawing lessons from the proposed Regulation for a Digital Markets Act (DMA), the term “recipient” should be replaced by the two distinct terms “business users” and “end users” in order to enhance clarity and consistency between the two legislations. Second, though Art.25.3 indicates that the Commission shall adopt delegated acts […] to lay down a specific methodology for calculating the number of average monthly active recipients of the service in the Union, the current lack of a clear definition of “active recipient of a service” at this stage of the decision-making process risks creating legal uncertainty for online platforms that might fall within the category of “Very Large Online Platforms” (VLOPs), depending on the methodology. Considering that also the DMA refers to “active end users” and “active business users”, we suggest providing a common workable definition of these terms.

- **Hosting services**: To be consistent with the objective of the proposed legislation, we suggest clarifying that the DSA applies only to online hosting services which host and disseminate to the public online content, products, and services provided by recipients of the service at their request. We believe this will be more in line with the objective of the DSA to tackle illegal content online and its negative impact on citizens and customers, thus excluding purely B2B services (e.g. advertising servers) where the content is only accessible to the two parties or only the business users or services where hosting is a purely ancillary feature related to the provisions of the main service, e.g. logistics’ service providers who - as part of their logistics’ services - store information, provided by the recipient of the service, related to the shipment for tracking and tracing purposes or other customer related information. The definition of “online platform” includes the provision “unless that activity is a minor and purely ancillary feature of another service”. A similar provision should be included in the definition of “hosting” services.

- **Recommender systems**: We believe that the definition in Art.2(o) should clarify whether such recommender systems are also referred to the ones featured within search engines. A more explicit inclusion of search engines in the scope would ensure that the new transparency requirements for recommender systems, and the broader provisions addressing VLOPs, are also consistently applied to search engines.

- **Online platforms**: Art.2(h) provides an extensive definition of online platforms. Though we understand the Commission’s intention to set horizontal rules for broad categories of intermediary services, we believe it will strengthen legal certainty to provide more specific definitions for certain intermediary services based on their active or passive nature as to avoid confusion between different categories, for instance a platform that provides cloud services being seen as a marketplace.

2) Provide clarifications on intermediary services’ notice & action duties

FEDMA welcomes the proposed provisions aiming to set clear and common rules on Notice & Action mechanisms which are currently fragmented across the EU. In this context, we call on policymakers
to ensure that the new obligations are sufficiently clear and proportionate. For example, we believe that such obligations for hosting services should not go beyond the information requirements set in Article 14: this will avoid situations where hosting services are caught between the individuals/entity notifying the illegal content and the recipient of this notification. In parallel, though we welcome the provisions under Art.21 that clarifies online platforms’ duties in respect to national law enforcement or judicial authorities, we stress the need for further clarifications on the definition of “safety of persons” which can be very broad, thus creating legal uncertainty.

3) Specify information requirements for advertising (Art.24)

Article 24 aims to reinforce the transparency requirements for digital advertising under the current E-Commerce Directive (ECD) though the provision of relevant information in relation to the specific advertisement shown to the individual user at the time when the advertisement is displayed. FEDMA stresses that most of the information under such requirements is already made available to users through ad banners and links to privacy webpages as part of specific advertising industry’s self-regulatory initiatives such as the “AdChoices Icon” (See Recommendation 11). Based on the experience accumulated through the AdChoices Icon, FEDMA is thus concerned about the unclear wording of the requirement under the Art.24(c) which remains rather vague and imprecise, particularly the terms “meaningful information” and “main parameters”. This wording creates legal and technical uncertainty on the extent of information to provide in order to meet such requirement, thus potentially leading to an uneven implementation across online platforms and different levels of transparency provided to the users. Accordingly, FEDMA urges policymakers to provide further clarity on this requirement also based on existing industry’s initiatives, including the AdChoices Icon.

4) Set the right balance for transparency while protecting personal data (Art.30)

The obligations laid down under Art.30 are expected to go beyond the information requirements of Art.24 based on the higher level of risk associated to VLOPs. Specifically, it requires VLOPs to put in place repositories of advertisements displayed on their online interfaces along with relevant information specified under Art.30.2. In this regard, Art.30.1 clearly states that the VLOPs’ repositories shall “not contain any personal data of the recipient of the service” while Art.30.2(d) requires VLOPs to include in these “publicly available” repositories information on the parameters used to target “one or more particular groups of recipients”. However, as these parameters unveil specific characteristics of one or more users (e.g. gender, location, interests etc.), they constitute personal data according to Art.4(1) of the GDPR. Though FEDMA believes in the benefits of increasing transparency in the advertising ecosystem, this apparent contradiction under Art.30 seems disproportionate with the objective to achieve greater transparency as it could further jeopardise users’ control over their data.

5) Set clear roles in the advertising value chain (Art.30)

While the obligations laid down under Art.30 only apply to VLOPs, their implementation will necessarily require the involvement of other stakeholders in the online ecosystem as underlined under Art.34 for the development of advertising-related Codes of Conduct “in full respect for the rights and interests of all parties involved, and a competitive, transparent and fair environment in online advertising”. FEDMA welcomes such openness towards all stakeholders of the advertising value chain and encourages policymakers to further clarify their expected role while avoiding that VLOPs pass on to them the costs of compliance.
B. Coherence with other legislations

There is already an existing body of legislation targeting online services at national and EU-level, so it will be crucial that the DSA works coherently with all the rules already in place with special regard to the General Data Protection Regulation (GDPR) and the recently adopted “New Deal for Consumers”. In parallel, the DSA will also need to consider the policy objectives set for other legislative proposals currently in the “EU pipeline”, notably the initiative on political advertising under the European Democracy Action Plan and the proposal for a Digital Markets Act (DMA).

6) Recognize existing legislation and self-regulatory initiatives for commercial advertising (Art.24 & Art.30)

From our perspective, though horizontal in nature, the DSA aims to be a steppingstone in tackling issues which are highly related to political advertising, including disinformation, manipulation, and incitement to violence. Political advertising is expected to be regulated under the European Democracy Action Plan. By contrast, as underlined in the DSA Impact Assessment, commercial advertising is already subject to several existing rules, such as the Unfair Commercial Practices Directive (UCPD), the GDPR, the Audiovisual Media Services Directive (AVMSD) as well as a number of self-regulatory advertising codes. In light of this “legislative asymmetry” between commercial and political advertising and the different associated risks, FEDMA calls for (i) providing a clear distinction between these two concepts, in line with existing definitions of commercial advertising in the UCPD and AVMSD (ii) and weighing in the need for additional information requirements for commercial advertising. Nevertheless, if there is political consensus towards the necessity of these requirements, we urge policymakers to set out rules which are horizontally applicable across the broader digital advertising ecosystem without overriding sector-specific legislation and the work of national advertising self-regulatory organisations (SROs) across the EU.

7) Avoid contradictions with the GDPR (Recital 52)

FEDMA considers paramount to ensure consistency with the GDPR which is one of the main regulations of the entire value chain of the direct-marketing sector. That’s why, FEDMA is concerned about the wording of Recital 52 which despite stressing that the DSA is “without prejudice to the application of the relevant provisions of Regulation (EU) 2016/679”, it seems to offer a unique interpretation of the GDPR by highlighting “the need to obtain consent of the data subject prior to the processing of personal data for targeted advertising”. Though consent remains one of the legal grounds used to process users’ data in the context of targeting advertising, the GDPR does not provide specific or hierarchical lawful bases for such processing. Conversely, the GDPR supports a flexible risk-based approach which aligns the level of safeguards and obligation to the level of risks inherent to the processing. FEDMA thus calls on the Commission to rectify Recital 52 to better align it with the GDPR.

8) Refrain from creating overlaps with the GDPR (Art.26)

Among the obligations that the proposed DSA set out for VLOPs, Art.26 requires that these platforms carry out an annual impact assessment to identify and analyse systemic risks related to the functioning, use and misuse of their services. Among the risks that VLOPs would be required to assess, Art.26 also includes any negative effects for the exercise of the fundamental right to respect for private life. FEDMA fully agrees that because of their status and data processing activities as VLOPs, these platforms could present higher systemic and extensive risks for the processing of their users’ personal data. In this context, the GDPR integrates accountability as a principle which requires that organizations put in place appropriate technical and organizational measures and be able to demonstrate what they did and its effectiveness when requested. Such measures comprise, amongst
others, the mandatory conduct of a Data Protection Impact Assessment (DPIA) whenever processing is likely to result in a high risk to the rights and freedoms of individuals and must be followed by the implementation of mitigation measures to minimise the data protection risks of a project. With this in mind, FEDMA is concerned that the requirement of Art.26(b) and Art.26(c) in relation to the risk for the right to private life would add a further layer of complexity to the implementation of the GDPR, thus overruling the data protection measures mentioned above. We therefore call on policymakers to remove this possible overlap with the GDPR in order to ensure consistency between the two legislations.

9) Ensure competition-neutral mitigation measures (Art.27)  
FEDMA voices concerns about the risk of certain mitigation measures overlooking potential trade-offs between different values which, while potentially tackling the identified systemic risk, could negatively affect VLOPs’ business users. This could be exemplified by Google’s phase out of third-party cookies: a response to privacy concerns which is expected to increase marketers’ dependence on Google’s walled garden platform, likely resulting in a decrease of market contestability. In this regard, Recital 58 underlines that mitigation measures “should be proportionate in light of the very large online platform’s economic capacity and the need to avoid unnecessary restrictions on the use of their service”, but it only refers to the “potential negative effects on the fundamental rights of the recipients of the service”. In parallel, Recital 59 leaves up to the VLOPs the possibility to involve other interested parties when conducting their impact assessments and adopting mitigation measures. Therefore, in order to ensure synergies with current proposal for a Digital Markets Act, FEDMA calls on policymakers to:

- require VLOPs to take also into account competition criteria and Platform-to-Business relationships when designing mitigation measures.
- Clarify the conditions for the involvement of other interested parties in the VLOPs’ impact assessments and mitigation measures.

C. Technology neutral rules  
FEDMA supports the Commission’s intention to adopt a technology neutral legislation, including targeting advertising. Recital 4 confirms indeed the technology neutral character of the proposed DSA in light of the broader objective to stimulate innovation through legal certainty, harmonized rules and proportionate obligations rather than through one-size-fits-all models labelling specific technologies as “inadequate”.

10) Distinguish between the technology, who uses it and how  
FEDMA calls on policymakers to make a clear distinction between the technology itself and the practices of certain players in monopolistic situation. Targeting advertising represents the main medium through which thousands of SMEs and emerging start-ups reach out to relevant customers and prospects with relevant offers of their products and services across the online ecosystem. Taking

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3 We already see gatekeeping platforms using privacy and data protection rules to justify restriction of access to other players. In July 2020, FEDMA, together with other trade associations, alerted on the upcoming changes that Apple has announced for the Apple Identifier for Advertiser (IDFA) and the substantial impact such changes would have on the entire mobile app industry, and on advertising revenue for online publisher. Similarly, the announce by Google in January 2020 with respect to their browser Chrome’s handling of third-party cookie will have significant impact on an entire industry. These moves by gatekeeper platforms restrict the ability for players in the online advertising ecosystem to directly access users on their devices and request granular consent while providing users with transparency. Such platform de facto imposes their definition of privacy, and their interpretation of the GDPR to an entire ecosystem, limiting the ability for publisher to derive revenue from online advertising, and limit the ability for user to make meaningful choice with regard to the services they which to access, and their privacy.
into account the economy’s increasing shift to the digital level, especially in a post-COVID era, it is even more fundamental for these smaller players, which are facing significant economic hurdles (in contrast to the gatekeeper platforms\(^2\)), to exceed their physical boundaries and proactively connect with potential customers in a digital environment. During the coronavirus pandemic, SMEs actually increased their use of targeted advertising on social media across sectors like telecoms and tech (34%), as well as less digitally focused SMEs like agriculture (30%) and manufacturers and sellers of intermediate products (more than 25%)\(^3\). As such, a general ban on targeting advertising would not only have little impact on the large platforms, which benefit of strong network effects and operate across multiple areas of activities, but it would also fail to address the massive and granular collection of users’ data across their different services. Conversely, SMEs and start-ups, most of which use targeting advertising on the basis of general (not granular) characteristics, would mostly bear the burden of this measure.

11) Promote existing self-regulatory solutions for online advertising transparency

FEDMA stresses that the current system of targeting ads is already evolving, spearheaded by a number of industry’s initiatives which aim to increase transparency. The current approach is to empower consumers “by giving them transparency, such as via the “AdChoices Icon”. The AdChoices Icon is the result of a pan-European self-regulatory program launched in 2012, the European Interactive Digital Advertising Alliance (EDAA) of which FEDMA is a founder. On the right corner of many advertisements, the AdChoices Icon aims to guide end-users to real time information about which company delivered a specific ad and based on what information, including (i) the Third Party’s identity and contact details, (ii) the types of data collected and used for the purpose of providing interest-based advertising, including an indication of whether any data is ‘personal data’ or ‘sensitive personal data’, (iii) the purpose(s) for which interest-based advertising data is processed and the recipients or categories of recipient to whom such data may be disclosed as well as (iv) a clear link to the consumer choice platform at YourOnlineChoices.eu. The latter represents a pan-European portal which provides further information about digital data-driven advertising, a preference management tool to turn on/off interest-based ads in one-click. The website also encourages consumers to address any queries or complaints independently to the well-established national network of advertising self-regulatory organizations under the umbrella of EASA – the European Advertising Standards Alliance. In the process of integrating new functionalities, FEDMA thus believes that the AdChoices Icon can significantly contribute to set the right balance between innovation and consumer’s empowerment.

12) Incentivize the GDPR’s risk-based approach

As targeting advertising is based on users’ personal data, the processing of information from end-user is without doubt subject to the GDPR’s principles set out in Art.5 which are binding on all processing of personal data. FEDMA believes that a general ban on targeting advertising creates a one-size-fits-all solution which overlooks the GDPR’s risk-based approach, thus undermining EU’s efforts to uptake the data economy and ensuring fair and open digital markets. The concept of pseudonymization developed in the GDPR reflects such approach. While the GDPR clarifies that pseudonymized data is personal data, it also recognizes that data which have been pseudonymized present less risk to the data subject (GDPR recital 28). As an example, the concept of pseudonymization can apply to cookies/online identifiers, used for targeting advertising activities: when personal information about an individual is pseudonymized, advertisers could serve online advertisement on the basis of general characteristics (e.g. preference for food and wine) without having access to specific personal information about them. Differential privacy is another example

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\(^2\) Big Tech Companies Reap Gains as Covid-19 Fuels Shift in Demand, WST, October 2020

of a risk-based technique increasingly used by companies which allows them to process users’ data to improve their products and services without hindering users’ privacy by means of algorithmically injecting “noise and inaccuracies” into data, thus preventing re-identification and ID linkage. The GDPR’s risk-based approach therefore enables marketers to take into consideration all the relevant factors that impact personal data processing (e.g. whether in a B2B or B2C environment) and to apply the necessary safeguards in order to protect individuals, while furthering innovation and the technology neutral aspects of the instrument. As such, FEDMA believes that the DSA’s transparency requirements coupled with a better application and enforcement of the GDPR risk-based approach can significantly contribute to address the shortcomings of the targeting advertising ecosystem.

D. Timely and effective enforcement

Except for some differences, the proposed governance structure shares many commonalities with the governance mechanisms under the GDPR, including the Data Protection Authorities (DPAs), the European Data Protection Board (EDPB) and to a lesser extent, the Commission. As a member of the Commission’s GDPR Multi-stakeholder expert group, FEDMA wishes to leverage its accumulated experience under the GDPR to provide the following recommendations concerning the enforcement and implementation of the future DSA.

13) Promote a harmonised European interpretation of the DSA

Drawing lessons from the GDPR, the implementation of the DSA should avoid or minimise fragmentation among Member States in application of the law. As also underlined in the Commission’s first report on the evaluation and review of the GDPR, legal fragmentation has come from three main areas: (i) provisions in the GDPR that allow for Member States to legislate or provide their own specifications, (ii) Member States’ different approach towards derogations permitted under the GDPR, as well as (iii) significant inconsistencies between guidelines provided by the European Data Protection Board (EDPB) and by the Data Protection Authorities (DPA), often resulting in national legislation going beyond the margins set by the GDPR. From our perspective, legal fragmentation poses unnecessary burden on companies, especially SMEs, and jeopardises the effective functioning of the internal market, thus going against the objective of the proposed DSA to introduce a set of uniform rules at Union level. In this context, FEDMA recommends policymakers to limit, to the extent possible, Member States’ discretion and derogations in the application of the proposed DSA as well as to establish a “consistency assessment procedure” within the EBDS for guidance issued nationally by the DSCs in order to ensure that the DSA is always interpreted in a European manner.

14) Provide adequate enforcement capacity

FEDMA welcomes the proposed provisions for enhanced supervision of VLOPs under Section 3 of the DSA. As highlighted by the implementation of the GDPR, the management of cross-border cases has proved to be challenging due to, amongst others, the lack of sufficient resources allocated to DPAs across the EU as well as the concentration of many cases on a few Member States (i.e. Ireland and Luxembourg) which have found themselves overwhelmed. By contrast, consolidating regulatory powers against VLOPs within the Commission may foster efficiency and speediness in oversight procedures, thus overcoming some of the drawbacks identified under the GDPR’s enforcement. In this context, FEDMA calls on policymakers to allocate adequate resources to the Commission.

4 Chapter IV of the proposed DSA lays down the provisions concerning the implementation and enforcement of the Regulation. In doing so, it provides for the setting of a new governance structure comprising newly established regulatory authorities at national level called Digital Services Coordinators (DSC), a new advisory body at the EU level named the European Board for Digital Services (EBDS) and the Commission.
enabling it to provide the necessary support to national DSCs and fill in the gaps of their limited national capacities.

15) **Distribute clear roles and responsibilities among different regulatory authorities**

FEDMA welcomes the provision under Art.38.2 requiring Member States to clearly define the tasks of other regulatory authorities designated in addition to the DSC. However, we believe that a clear and public allocation of responsibilities should take place also when a Member States appoint a sole DSC to avoid overlaps between questions relating to different, though related, areas, notably consumer law, antitrust, illegal content, and data protection. In order to operate properly, businesses require legal stability and certainty supported by a harmonised and coherent legal framework and efficient coordination among different regulatory authorities. As such, FEDMA calls on policymakers to

- clearly define the area(s) of competence of the Digital Services Coordinators in respect to other areas under the responsibilities of existing regulatory authorities, especially Data Protection Authorities.
- set the ground for formal consultation/cooperation procedures among such authorities in order to avoid conflict of interpretation, and in particular to preserve the one stop shop mechanism under the GDPR.

### III. FEDMA’s proposed amendments

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Art. 30: Very large online platforms that display advertising on their online interfaces shall compile and make publicly available through application programming interfaces a repository containing the information referred to in paragraph 2, until one year after the advertisement was displayed for the last time on their online interfaces. They shall ensure that the repository does not contain any personal data of the recipients of the service to whom the advertisement was or could have been displayed.

2. The repository shall include at least all of the following information:
   (a) the content of the advertisement;
   (b) the natural or legal person on whose behalf the advertisement is displayed;
   (c) the period during which the advertisement was displayed;
   (d) whether the advertisement was intended to be displayed specifically to one or more particular groups of recipients of the service and if so, the main parameters used for that purpose;
   (e) the total number of recipients of the service reached and, where applicable, aggregate numbers for the group or groups of recipients to whom the advertisement was targeted specifically.

Coherence with other legislations

Art. 26.1: Very large online platforms shall identify, analyse and assess, […], at least once a year thereafter, any significant systemic risks stemming from the functioning and use made of their services in the Union. This risk assessment shall be specific to their services and shall include the following systemic risks:
   (a) the dissemination of illegal content through their services;
   (b) any negative effects for the exercise of the fundamental rights to respect for private and family life, freedom of expression and information, the prohibition of discrimination and the rights of the child, as enshrined in Articles 7, 11, 21 and 24 of the Charter respectively; […]

Art. 26.3: When conducting risk assessments, very large online platforms shall involve representatives of the recipients of the service, representatives of groups potentially impacted by their services, independent experts and civil society organisations. Their involvement shall be

Art. 30: Very large online platforms that display advertising on their online interfaces shall compile and make publicly available through application programming interfaces a repository containing the information referred to in paragraph 2, until one year after the advertisement was displayed for the last time on their online interfaces. They shall ensure that the repository does not only contain any pseudonymized or anonymized data of the recipients of the service to whom the advertisement was or could have been displayed.

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Recital 57: Three categories of systemic risks should be assessed in-depth. [...] A second category concerns the impact of the service on the exercise of fundamental rights, as protected by the Charter of Fundamental Rights, including the freedom of expression and information, the right to private life, the right to non-discrimination and the rights of the child. [...] A third category of risks concerns the intentional and, oftentimes, coordinated manipulation of the platform’s service, with a foreseeable impact on health, civic discourse, electoral processes, public security and protection of minors, having regard to the need to safeguard public order, protect privacy and fight fraudulent and deceptive commercial practices.

Art. 27(1): Very large online platforms shall put in place reasonable, proportionate and effective mitigation measures, tailored to the specific systemic risks identified pursuant to Article 26. [...] Any measures adopted should respect the due diligence requirements of this Regulation and be effective and appropriate for mitigating the specific risks identified, in the interest of safeguarding public order, protecting privacy and fighting fraudulent and deceptive commercial practices, and should be proportionate in light of the very large online platform’s economic capacity and the need to avoid unnecessary restrictions on the use of their service, taking due account of potential negative effects on the fundamental rights of the recipients of the service.

Recital 59: Very large online platforms should, where appropriate, conduct their risk assessments and design their risk mitigation measures with the

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<td>Recital 59: Very large online platforms should, where appropriate, conduct their risk assessments and design their risk mitigation measures with the</td>
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<th>Timely &amp; effective enforcement</th>
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**Art.38.2:** Where a Member State designates more than one competent authority in addition to the Digital Services Coordinator, it shall ensure that the respective tasks of those authorities and of the Digital Services Coordinator are clearly defined and that they cooperate closely and effectively when performing their tasks. The Member State concerned shall communicate the name of the other competent authorities as well as their respective tasks to the Commission and the Board.

**Art.49:** Where necessary to meet the objectives set out in Article 47(2), the Board shall in particular:

(a) support the coordination of joint investigations;
(b) support the competent authorities in the analysis of reports and results of audits of very large online platforms to be transmitted pursuant to this Regulation;
(c) issue opinions, recommendations or advice to Digital Services Coordinators in accordance with this Regulation;
(d) advise the Commission to take the measures referred to in Article 51 and, where requested by the Commission, adopt opinions on draft Commission measures concerning very large online platforms in accordance with this Regulation;
(e) support and promote the development and implementation of European standards, guidelines, reports, templates and code of conducts as provided for in this Regulation, as well as the identification of emerging issues, with regard to matters covered by this Regulation.

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**Art.38.2:** Where a Member State designates a Digital Services Coordinator or more than one competent authority in addition to the Digital Services Coordinator, it shall ensure that the respective tasks of those authorities and of the Digital Services Coordinator are clearly defined in respect to other national competent authorities and that they cooperate closely and effectively when performing their tasks. The Member State concerned shall communicate the name of the other competent authorities as well as their respective tasks to the Commission and the Board.

**Art.49:** Where necessary to meet the objectives set out in Article 47(2), the Board shall in particular:

(a) support the coordination of joint investigations;
(b) support the competent authorities in the analysis of reports and results of audits of very large online platforms to be transmitted pursuant to this Regulation;
(c) issue opinions, recommendations or advice to Digital Services Coordinators in accordance with this Regulation;
(d) assess that the consistency of opinions and guidance issued nationally by Digital Services Coordinators is in accordance with this Regulation;
(e) advise the Commission to take the measures referred to in Article 51 and, where requested by the Commission, adopt opinions on draft Commission measures concerning very large online platforms in accordance with this Regulation;
(f) support and promote the development and implementation of European standards, guidelines, reports, templates and code of conducts as provided for in this Regulation, as well as the identification of emerging issues, with regard to matters covered by this Regulation.