

Overview of the Latest Developments Regarding the Digital Services Act - September to October 2024



News

Anna Pinggen

Euclid has regularly reported on the EU's new major legislation regulating the digital space, i.e., the Digital Services Act and the Digital Markets Act (→ [euclid 1/2024, 12-13](#) with further references). The Digital Services Act (DSA) is designed to foster a safer, fairer, and more transparent online environment (→ [euclid 4/2022, 228-230](#)). It establishes new obligations for online platforms, thereby ensuring that EU users are safeguarded against the dissemination of illicit goods and content and that their rights are respected when they engage in interactions, share information, or make purchases online. The DSA is also highly relevant for law enforcement purposes (→ [euclid 1/2024, 13](#)). This news item continues the reporting on the latest developments concerning the DSA in the form of a chronological overview. For an overview of the developments from April 2024 to August 2024 → [euclid 2/2024, 91-92](#).

- 3 September 2024: The European Commission sends [reasoned opinions](#) to Czechia, Cyprus, and Portugal for not meeting their obligations under the Digital Services Act (DSA). Despite prior formal notices in April 2024, these countries have yet to empower their Digital Services Coordinators or establish rules on penalties for DSA breaches. The DSA requires Member States to designate independent authorities by 17 February 2024 to oversee its implementation and ensure users' rights, such as filing complaints against platforms. The Commission gives the Member States two months to take corrective action. If they fail to comply, the Commission plans to refer the cases to the Court of Justice of the European Union.
- 20 September 2024: NKL Associates s.r.o., a Czech company, brings an [action](#) against the European Commission before the General Court of the European Union. The case concerns Art. 39(1) of the DSA, which requires Very Large Online Platforms (VLOPs) displaying advertisements to maintain a publicly accessible repository containing detailed information about their ads for the duration of the ads and one year after their last display. NKL Associates argues that this obligation violates the rights of the company and its advertisers under the EU Charter of Fundamental Rights, specifically: confidentiality and privacy (Arts. 7 and 8), right to conduct business (Art. 16) and the right to property (Art. 17). The applicant requests the partial annulment of the Commission's decision enforcing this obligation and the inapplicability of Art. 39(1) of the DSA regarding the repository requirements. It also seeks reimbursement of its legal costs.
- 4 October 2024: The European Commission publishes the [Digital Fairness Fitness Check](#), assessing the effectiveness of EU consumer protection laws in the digital era. While current laws like the Unfair

AUTHOR

Anna Pinggen 

Researcher
Max Planck Institute for the
Study of Crime, Security and
Law

Published in
2024, Vol. 19(3) [euclid](#) p 178
ISSN: 1862-6947
<https://euclid.eu>



Commercial Practices Directive and Consumer Rights Directive remain vital, the evaluation reveals the unique challenges posed by harmful practices in the digital space. The report emphasizes the role of the DSA in prohibiting unfair practices on online platforms. Harmful behaviors, such as dark patterns, addictive service designs, and exploitative personalized targeting, undermine consumer trust and cost EU consumers €7.9 billion annually. The DSA's provisions are highlighted as a key tool for addressing these issues, ensuring clearer standards and enforcement. The Commission calls for stronger, coordinated enforcement of the DSA and other consumer laws to tackle fragmented national approaches and provide regulatory certainty. Simplified rules, coherent application, and fairer online environments are central to the Commission's agenda for the upcoming mandate.

- 31 October 2024: The European Commission [opens](#) formal proceedings against the Chinese online marketplace *Temu* under the DSA to investigate potential violations, including the sale of illegal products, addictive service designs, recommendation system practices, and compliance with data access obligations for researchers. The inquiry focuses on Temu's efforts to prevent the sale of non-compliant goods, mitigate risks from addictive design features, ensure transparency in recommender systems, and provide researchers access to public data. As a designated Very Large Online Platform, Temu is subject to strict DSA obligations. The investigation follows preliminary analyses and input from national authorities, with the Commission emphasizing that the opening of proceedings does not determine the outcome.

About eucrim

eucrim is the leading journal which regularly informs about current developments in European criminal and "criministrative" law.

All news items are freely accessible at: <https://eucrim.eu/news/>

Stay informed by emailing to eucrim-subscribe@csl.mpg.de to receive alerts for new releases of issues.

The project is co-financed by the [Union Anti-Fraud Programme \(UAFP\)](#), managed by the [European Anti-Fraud Office \(OLAF\)](#).



Co-funded by
the European Union