

NJORD legal news: The 2022 Digital Services Regulation

NJORD legal news: The 2022 Digital Services Regulation (Regulation (EU) No. 2022/2065 of the European Parliament and of the Council of 19 October, 2022) is binding in its entirety and part of the Regulation is directly applicable as of 16 November, 2022, imposing obligations on online intermediary platforms operating within the European Union (internet exchange points, cloud sites, web hosting services, virtual networks, etc.). The Council also called on the Commission to ensure that the Commission and the Member States, in accordance with the Lisbon Treaty, provide for the introduction of content control tools for the various types of platforms, in order to ensure a safe and secure online environment and to prevent the publication of illegal content. The Regulation also applies these rules to other platforms, regardless of their turnover, from 17 February, 2024.

Illegal content for the purposes of the Digital Services Regulation includes, for example, sharing child sexual abuse images, illegal sharing of private images without consent, cyberstalking, selling inappropriate or counterfeit products, selling products or services in breach of consumer protection rules, unauthorized use of copyrighted material, etc.

When the service recipient communicates with the chatbots, this must be indicated on the online site. The reasons also must be clearly stated (and the information regularly updated) on the basis of which online intermediary service providers may restrict the provision of their services and the service recipients must be clearly informed of any significant changes to the terms of use of the platforms. In addition, the providers of websites targeted at the under-age audience should make this information as simple as possible and may use graphical elements, such as icons or images, to convey this information to users of the systems. In the case of inappropriate content, the abuser should be temporarily suspended from providing his/her relevant activity and the content should be deleted, and there should be avenues for challenging the decisions taken by platform providers. In addition, it should be noted that these provisions do not exclude the application of consumer rights, intellectual property rights and other special rules to the online environment.