

# PROTEÇÃO DE DADOS NEWS FLASH

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## Digital Services Act

February 21<sup>st</sup>, 2024

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The Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022, on a Single Market for Digital Services and amending Directive 2000/31/EC ("Digital Services Act" or "DSA"), which can be accessed [here](#), **applies from 17 February 2024 to all online intermediaries and platforms in the European Union.**

The DSA has introduced a new legal framework for digital services offered to the users in the European Union. Its purpose is to fulfil the challenges presented by the cross-border provision of digital services by intermediary service providers with regard to the need for transparency in the information provided, the online safety of users and the respect for privacy legislation.

Accordingly, all the online service providers across the European Union, with the exception of small and micro enterprises employing fewer than 50 persons and with an annual turnover below than 10 million euros, must implement measures to:

- **Counter illegal content, goods, and services:** online platforms must provide users with the means to report illegal content, including goods and services. Besides, the online platforms will have to cooperate with "trusted flaggers", specialised entities whose notifications will have to be prioritised by platforms;
- **Protect minors:** including a prohibition of targeted advertising directly at or featuring children based on profiling or using their personal data;

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- **Provide users with essential information about the adverts** they are shown. For instance, why adverts are being displayed to them or about who paid for that advert;
- **Prohibition of targeted advertising based on sensitive data**, such as political or religious beliefs, sexual preferences, among others;
- **Provide explanatory statements to a user affected by any content moderation decision** (for example, removal of content or suspension of accounts) and upload it to the DSA Transparency database;
- **Provide users with access to a complaint mechanism so that the user contests the decision on a content moderation decision;**
- **Publish a report on content moderation procedures, at least, once a year;**
- **Present to the user with clearly terms and conditions** on the main parameters on the basis of which its content recommendation systems operate;
- **Designate a single point of contact for authorities as well as users.**

**The DSA also applies to the following intermediary service providers:**

- **Hosting services** (for instance, cloud computing services, domain name systems or background services that connect users to requested website addresses); and,
- **Online Intermediaries** (for example, internet service providers or domain names).

The Hosting Services and Online Intermediaries are subject to a subset of obligations under the DSA.

In Portugal, the DSA's implementation is ensured by Decree-Law 20-B/2024 of 16 February (available [here](#)), and the following competent authorities were designated:

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- **ANACOM (Autoridade Nacional de Comunicações or Portuguese Regulatory Authority for Communications)** - Competent Authority and Coordinator of Digital Services;
- **ERC (Entidade Reguladora para a Comunicação Social or Portuguese Regulatory Authority for the Media)** - for media and other media content;
- **IGAC (Inspeção-Geral das Atividades Culturais or General Inspection of Cultural Activities)** - copyright and related rights.

**Contact:**

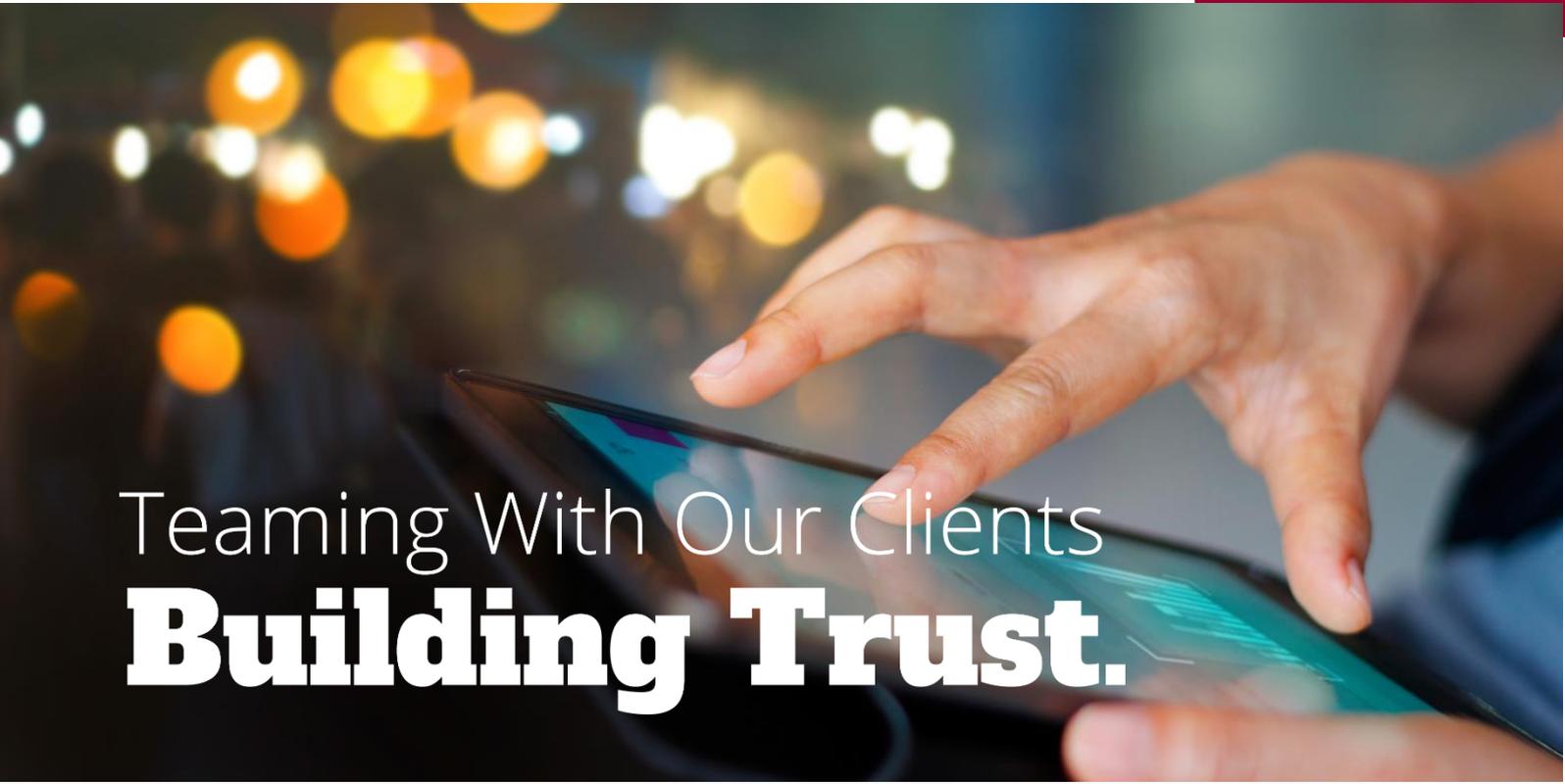
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This information does not exempt you from reading the Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022, which can be accessed [here](#).

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