










DSA REPORT CARD

FILE NAME: CSAM 2022/0155 (COD) AND THE DIGITAL SERVICES ACT

NOTE: *The CSAM proposal undermines the DSA on several topics such as the ban on general monitoring.*

SUBJECT	SCORE
BAN ON GENERAL MONITORING	
COUNTRY OF ORIGIN PRINCIPLE	
INTERMEDIARY LIABILITY REGIME	
GOOD SAMARITAN PRINCIPLE	
TRANSPARENCY REPORTING OBLIGATIONS	
NOTICE AND ACTION MECHANISM, STATEMENT OF REASON	
INTERNAL COMPLAINT HANDLING	
ONLINE SAFETY OF MINORS	
RISK ASSESSMENT & RISK MITIGATION	
RIGHT TO LODGE A COMPLAINT	

LET THE DSA UNFOLD!

SUBJECT

MOTIVATION

BAN ON GENERAL MONITORING	A DETECTION ORDER (ARTICLE 7) IMPLIES AN OBLIGATION TO IMPLEMENT A TECHNOLOGY THAT SYSTEMATICALLY ANALYSES ALL CONTENT ON A SERVICE. AS SUCH, THEY RISK BEING IN CONFLICT WITH THE LONG-STANDING PROHIBITION OF GENERAL MONITORING OBLIGATION, ENSHRINED IN DSA ARTICLE 8, ESPECIALLY WHEN IT COMES TO DETECTING UNKNOWN CSA AND SOLICITATION ON A SERVICE.
INTERNAL COMPLAINT HANDLING	ARTICLE 10(4(D)) IS MODELLED ON DSA ARTICLE 20 BUT THERE ARE NO QUALITY REQUIREMENTS FOR CSA COMPLAINTS CONTRARY TO DSA COMPLAINTS, WHICH SHALL BE "SUFFICIENTLY PRECISE AND ADEQUATELY SUBSTANTIATED".
ONLINE SAFETY OF MINORS	CSA PROPOSAL ARTICLE 7 RISKS BEING IN BREACH OF DSA ARTICLE 28(1) WHICH REQUIRES PROVIDERS OF ONLINE PLATFORMS (WHICH ARE A CATEGORY OF HOSTING SERVICE PROVIDERS) TO ENSURE A HIGH-LEVEL OF PRIVACY OF MINORS ON THEIR SERVICE.

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