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Wolt



14 October 2021

Dear Ministers,

We are writing to you to express our support for the goals of the EU Digital Services Act (DSA) and to share our views on how the Regulation can be improved to deliver an Internet that protects European consumers, while promoting growth, competitiveness and innovation in the EU digital single market.

Illegal content online is a very real problem which causes harm and undermines public trust. The DSA is an important step forward, because addressing these harms merits urgent action. We take our responsibility seriously and support establishing clear and harmonised rules for platforms across the EU.

We strongly believe that European consumers will benefit not only from less exposure to illegal content, but also from vibrant digital markets where new businesses can emerge and flourish. It is of crucial importance to follow a thoughtful and proportionate approach in the drafting of the DSA for it to deliver on both these objectives. In that regard, we are writing to express our serious concern about the current discussions on the definition of Very Large Online Platforms (VLOPs).

The DSA will place substantially higher obligations on VLOPs to address systemic risks to consumers and society. While this graduated approach is welcome, **we worry about imposing all of the DSA's obligations on platforms based on a single criterion, i.e. a high number of users.**

High user numbers alone do not imply systemic risk. This approach inevitably misses some of the reasons why and how a platform may disseminate illegal content. Assuming that all platforms generate the same type and scale of harm based solely on their user numbers would impose disproportionate obligations on many businesses. For some, these burdens would hinder their ability to expand and innovate. We are also concerned that certain rules are ill-defined for the more targeted activities and business models of certain companies.

Rather than focusing on user numbers alone, we urge you to take a more proportionate and risk-based approach. A platform's commercial activities, business models and risk mitigation procedures should all be considered when determining the presence of a strong risk of harm to society. **More specifically, platforms meeting the user threshold should qualify as VLOPs only if they create a legitimately high risk of illegal content spreading online.**

Permitting regulators to target their resources on companies posing the most serious threats will ensure meaningful obligations apply where they are needed, and avoid penalising lower-risk businesses simply because of their number of users.

We are at a critical juncture for the European digital economy, and getting the DSA right is a high priority. We hope you can take our concerns into account, and we stand ready to work with you in pursuit of a vibrant digital ecosystem where consumers feel safe and businesses can thrive for many years to come.

Yours sincerely,

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