



Digital
National
Alliance



DIGITAL
POLAND



For a safe, fair and welcoming digital space Appeal of the CEE Digital Coalition ahead of the vote on the Digital Services Act

We, the organisations representing the digital and advanced technologies industry of Central Eastern European countries, which have formed the CEE Digital Coalition, are continuing our efforts to build a competitive and innovative digital economy and prosperous civil society. We remain deeply engaged in building digital capabilities, driving investments in advanced technologies, striving for common access to the internet, digital services as well as responsible data management, and supporting start-ups and SMEs in Central Eastern Europe.

As the Digital Services Act (DSA) will greatly affect the digital industry, including SMEs, vital to the growth of our region, we wish to share comments and concerns we deem crucial for any further work in the European Parliament in the light of recently published proposed amendments. We believe that it is in the best interest of the economies and citizens of Central Eastern Europe to:

- **Refrain from imposing a general, indiscriminatory ban on the use of personalised ads** (via targeted advertising). As the mechanism of targeted advertising remains a staple, and often the only affordable tool for our region's SMEs for reaching their audiences, we urge MEPs to consider the impact of a potential ban on these businesses. We ask that they consider other means of regulation such as allowing users to opt-out of being shown targeted ads with no impact on the platform functionality and informing them about demonetisation of their data. We believe that a general ban would be of no benefit to advertisers or consumers.

Related amendments: AM 498, AM 542, AM 547, AM 554

- **Avoid developing a must-carry obligation for online platforms regarding journalistic content, which may lead to the spread of disinformation.** In line with our previous appeals and statements, we wish to point out that a lack of a universal definition of a publisher, allowing virtually any party to become one, may be abused to disseminate fake news and disinformation under the guise of media activity. We still believe that only by considering exceptions in terms of content, rather than creators can allow fair treatment and the

universal exercise of the freedom of speech . This freedom should be secured by an equal right to an appeal granted by the Act. Moreover, we voice our concern that the spread of disinformation and fake news cannot be stopped with mechanisms that require platforms to contact a user considered a publisher before reacting to content shared by that user.

Related amendments: AM 493, AM 511, AM 513

- **Reconsider the scope of exceptions allowing for automated removal of content, i.e. filtering.** In light of the need to use automated moderation of content due to the sheer volume of data shared by users online and the ever-present risks stemming from harmful and illegal content being shared, we urge MEPs not to impose a broad ban on automated moderation tools.

Related amendments: AM 503, AM 517

- **Respect the principle of prohibiting general monitoring obligations and be wary of introducing obligations of immediate removal of content, which may result in excessive take-downs.** Once more, we stress to the MEPs that a general monitoring obligation is not a viable option. It is also our opinion that requirements for immediate removal in case of time-sensitive content and live broadcasting could lead to overzealous removal of users' content, harming their freedom of expression and negatively affecting their online experience.

Related amendments: AM 509, AM 515

- **Remain cautious about limiting platforms' tools for tailoring content to their user needs.** We wish to stress that recommendation systems are a staple of modern online platforms and are often necessary to respect the users' safety (i.e. in the case of content dedicated to certain age groups). We deem it impossible to require such systems to be based on chronological order, users' opt-in decisions or via input from a third party. Following such solutions may lead to a poor user experience as well as insufficient protection of personal data or even a violation of privacy protection laws already in place (e.g. GDPR or Directive on privacy and electronic communications) and should therefore be avoided.

Related amendments: AM 469, AM 508, AM 556, AM 559

- **Respect the e-commerce Directive and the underlying goals of DSA itself while designing regulations affecting online marketplaces.** It is our opinion that stripping online marketplaces of their safe harbour provisions and imposing stay-down obligations may lead to a deterioration of their relationships with SMEs due to an increased liability risk. This could effectively harm innocent SMEs looking to benefit from using online marketplaces. Moreover, we believe that it violates the e-commerce Directive as well as the basic provisions of the DSA.

Related amendments: AM 482, AM 486, AM 490, AM 548

- **Secure the access of SMEs to online tools by providing reasonable Know Your Business Customer (KYBC) obligations.** Forcing intermediaries to perform background checks on their business users according to due diligence requirements may cause many SMEs to lose access to vital online perks (e.g. visibility in maps services and social media) or complicate their use by imposing a requirement of prior data verification. Such a provision imposes a complicated obligation on both the intermediaries and the SMEs.

Related amendments: AM 512, AM 532, AM 533, AM 534, AM 535, AM 536

We call on MEPs to consider the impact of the DSA on the digital landscape. We urge them to avoid developing regulations making the Digital Single Market a hostile, complicated and unwelcoming place for SMEs, consumers and platforms alike. Sticking as close as possible to what was agreed by the IMCO Committee will help ensure we create a level playing field for businesses and **a safer digital space for consumers which protects their fundamental rights.**

Signed by:

On behalf of the American Chamber of Commerce in Bulgaria:

- Olivier Marquette, President of the Executive Committee
- Petar T. Ivanov, CEO

On behalf of the Digital National Alliance:

- Andrey Bachvarov, Director for Digital Transformation

On behalf of the Digital Poland Association:

- Michał Kanownik, President of the Executive Board

On behalf of F27 AD:

- Filip Genov, CEO

On behalf of the ICT Association of Hungary:

- Gábor Mátrai, Board Member, Director Of International Affairs

On behalf of the INFOBALT – DigiTech Sector Association:

- Mindaugas Ubartas, CEO

On behalf of the Slovak Alliance for Innovation Economy:

- Michal Kardoš, Executive Director