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'I/A' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

Subject: Draft REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act) **(first reading)**

- Adoption of the legislative act
- Statement

Statement by Denmark

Denmark supports the final text with a view to finalise the Digital Services Act in order to update the horizontal rules that define the responsibilities and obligations of providers of digital services. We believe that the final Digital Services Act is essential to make the online environment more safe, predictable and trustworthy, and furthermore we welcome key amendments made during the trilogue such as protection of minors as well as the prevention of dark patterns.

However, we strongly regret that the Regulation does not set further responsibilities for providers of online marketplaces with respect to product safety. In our view, the responsibilities set out in the Regulation do not match the key role, which online marketplaces play in the distribution of products. For example, it is a problem that no one in the European Union can be held responsible in cases where online marketplaces make it possible for traders to sell their products and services from third countries directly to European consumers. We have witnessed several cases where European consumers end up with dangerous and illegal products. Even though, online marketplaces are met with obligations to assess information provided by traders and to perform random checks in terms of illegal products, the final text overall maintains a reactive approach which is detrimental for not only consumer protection, but also for competitiveness of European businesses. In this regard, we had hoped for a more ambitious Regulation, for example by ensuring that there is always a party in the EU, which is accountable for products entering the European market.

As we still see the need for a more ambitious approach on this matter in order to ensure an adequate consumer protection, we will continue to pursue this important agenda within other relevant legislation including the trilogue negotiations of the Regulation on general product safety.