



Digital Transformation and Sovereignty

W E L C O M E T O

DIGITAL SERVICES ACT: THE CASE OF

Booking.com

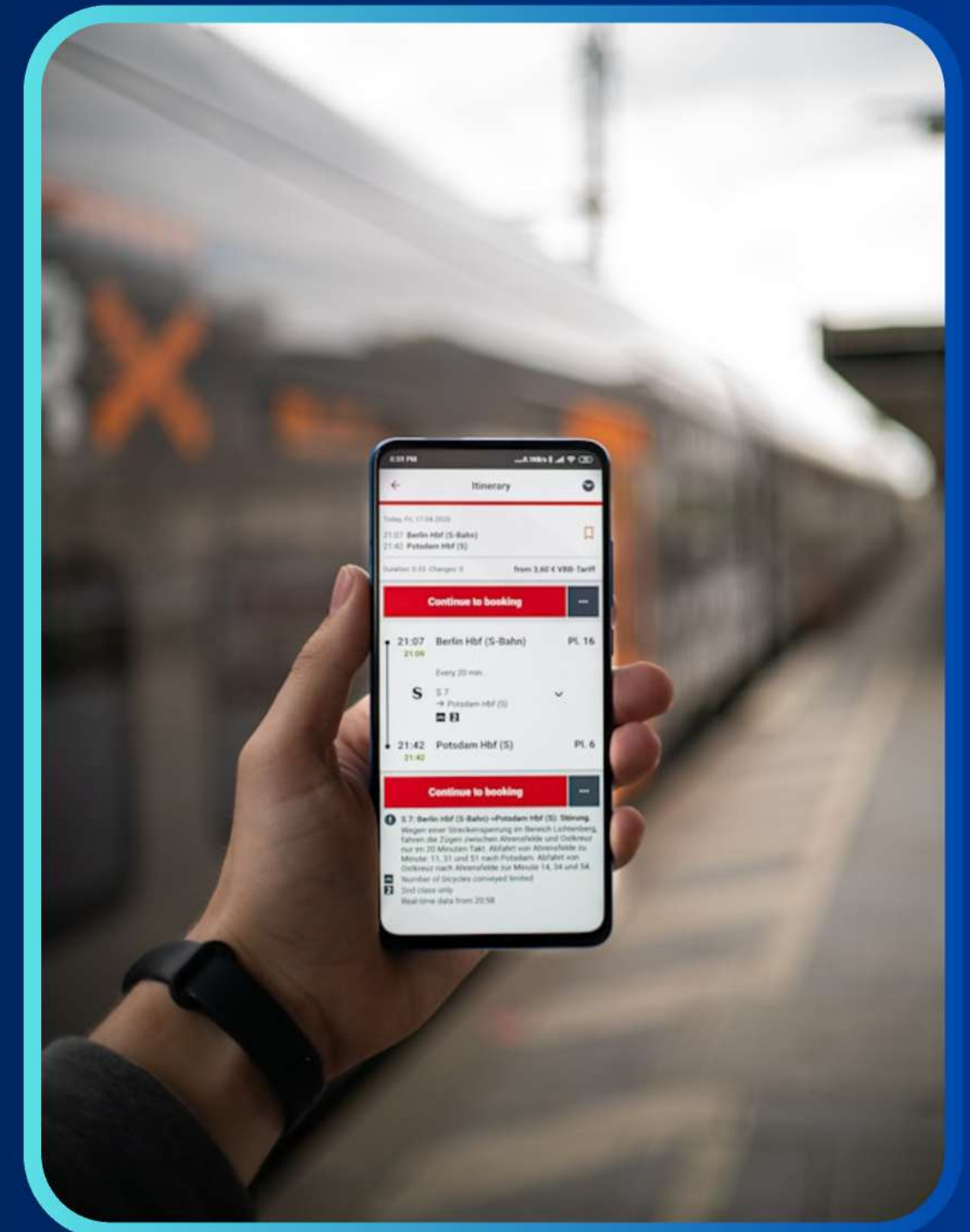
What is the Digital Services Act?

The **DSA** regulates online intermediaries and platforms (VLOPs and VLOSEs)

Through *clear and proportionate rules*, DSA aims to:

- **prevent illegal** and **harmful activities online**
- ensures **user safety**
- create a **fair** and **open online platform environment**
- **foster innovation**
- others

DSA definition



Which authorities are competent?

- The **European Commission** enforces the DSA together with **national authorities** who supervise the compliance of the platforms established in their territory.
- Additional obligations are monitored and enforced by the Commission.

How DSA affects VLOPs?

- The **DSA** includes **proportionate rules** for **online intermediary services**, which millions of Europeans use every day.
- **VLOPs**, such as Booking.com, **pose systemic risks**. Specific rules for platforms reaching more than 10% of EU population.
- All online platforms offering their services in **the single market**, whether they are established in the EU or outside.



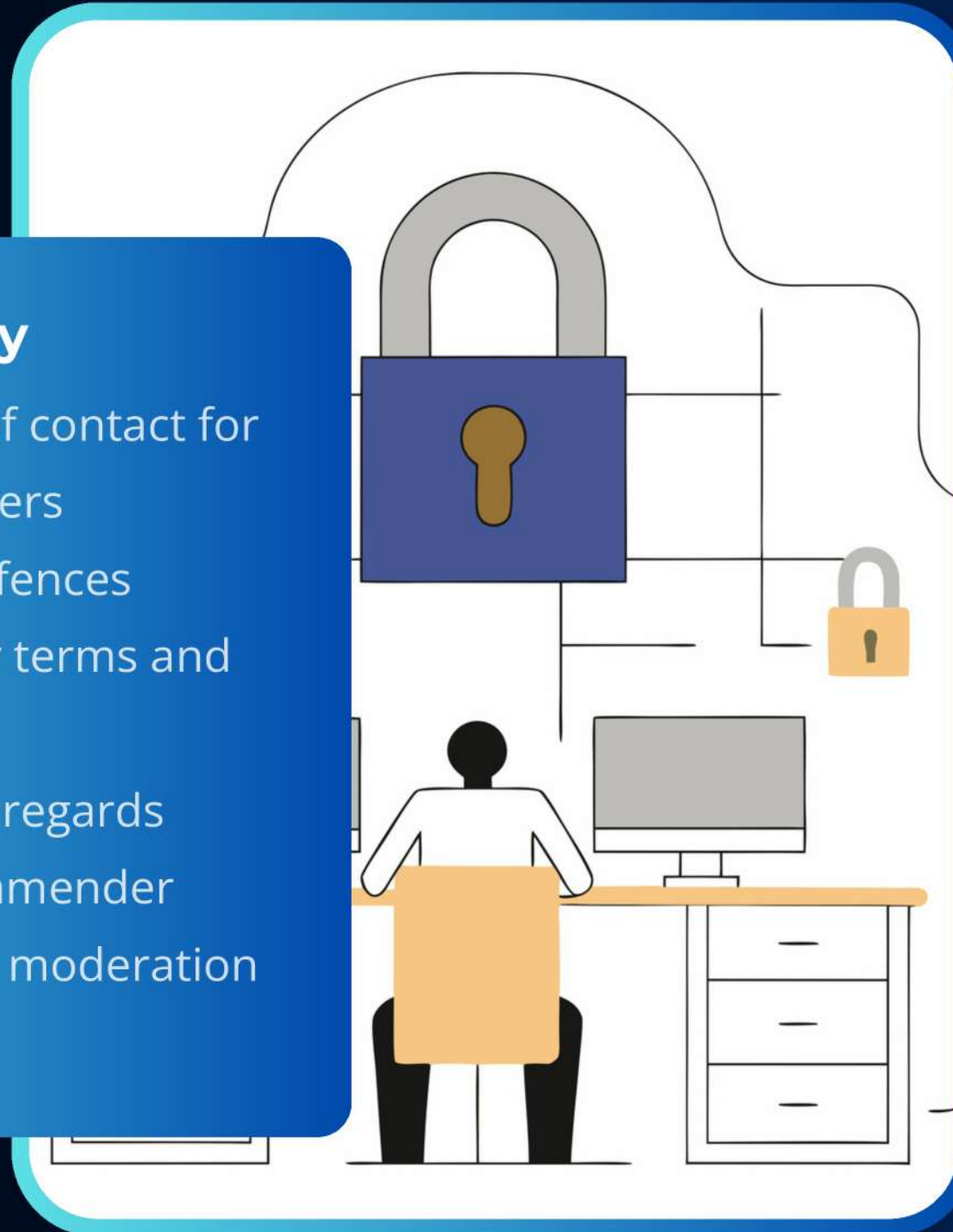


Introduction

How DSA affects Booking.com

Initially

1. Establish a point of contact for authorities and users
2. Report criminal offences
3. Have user-friendly terms and conditions
4. Be transparent as regards advertising, recommender system or content moderation decisions.



Regularly

1. Establish internal compliance function
2. Be audited by an independent auditor
3. Share data with Commission and national authorities for monitoring and compliance
4. Allow vetted researchers to access platform
5. Provide a neutral recommender option
6. Have a public repository of advertisements.

What are Booking's measures to ensure its compliance under the DSA?

Booking.com
basics



- Know your Partner form
 - 1) Business information
 - 2) Ownership and control information
 - 3) Verification
- Failure of implementation?

What are Booking's measures to ensure its compliance under the DSA?

I. EU Monthly Active Recipients

- Publish the number of active users
- Very large Online Platform (VLOP)
- Over 45M users in EEA

II. Ads repository

- Article 39 DSA
- Transparency
- Political and commercial advertising

III. Transparency report

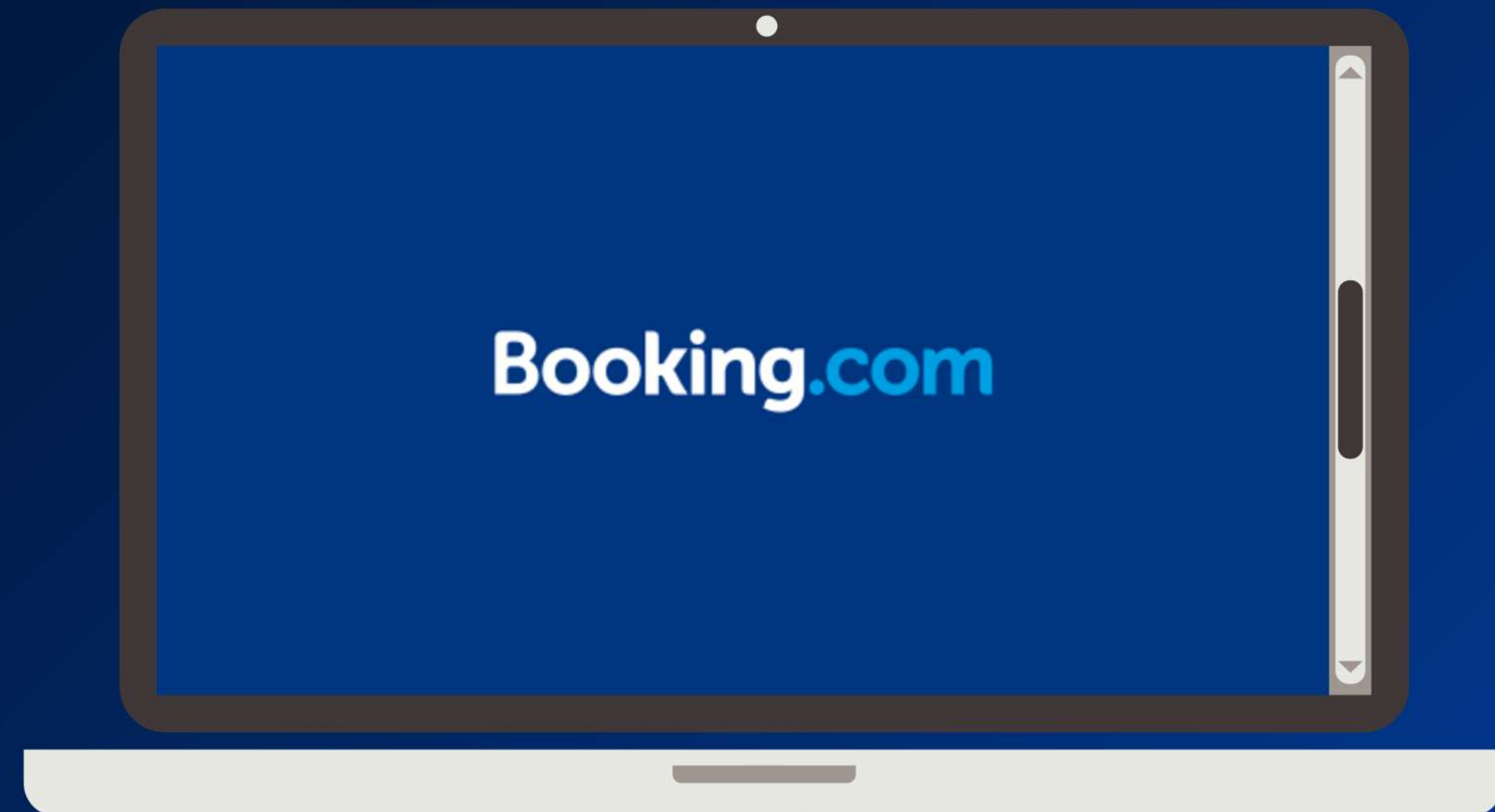
- Content moderation practices
- Number of removals and requests from public authorities.

IV. Systemic Risk Assessment & Mitigation Measures

- Article 34
- Dissemination of illegal content, misinformation, and fundamental rights violations.

What are Booking's measures to ensure its compliance under the DSA?

- Digital Market Act (DMA)
- Compliance report
- Price parity
- Criticism



DSA application in candidate country

- Montenegro lacks specific legislation on **the Digital Services Act (DSA)** for **Intermediary Service Providers (ISPs)**.
- Existing laws establish a foundation for compliance and alignment with European digital standards, covering:
 - Transparency in service provision
 - User protection
 - Online content moderation
 - Regulatory oversight
 - Administrative penalties
- These laws provide a starting point for harmonization with the DSA to enhance digital safety.

- The Montenegrin Cabinet, upon the proposal of the Ministry of Public Administration, Digital Society and Media, has approved the **Digital Transformation Strategy of Montenegro (2022-2026)** along with **the Action Plan for 2022-2023**.
- This strategy provides a development framework that outlines the prerequisites and initiatives necessary for swift adaptation to the evolving digital landscape.
- It aims to foster agile and proactive development of a digitally advanced Montenegro.

What measures have been taken by Montenegro to adopt the DSA?





Comparison

How this affects Local Businesses in Montenegro vs. Belgium?

Obligation to register

- Late notice about the need to comply with DSA

Montenegro

- Local and state authorities do not comply with DSA, thus the administration does not offer necessary services.
- It had mandatory KYP before DSA.

Belgium

- New legislation leads to necessary compliance with registration of rental property.
- Ex. Brussels has limit of rental days per year, so sharing data with public authorities is important.

Service provider

- Software updates that disrupt the operations of the platform
- No out of court mechanisms to request compliance with DSA

Montenegro

- Lack of transparency
- Unclear data storage
- Lack of communication channels
- Problems with customer service



Policy recommendations for Montenegro

Implementation of the DSA

Start implementing the DSA to harmonize national policies with those of the EU, thus adopting a common approach towards big online platforms like booking.com.

Establishing Communication Channels

Establish communication channels for business owners and consumers to obtain information on the usage of platforms that fall under the DSA.



Conclusion

- The DSA regulates online intermediaries and platforms, aiming to create a fair and open online platform environment.
- Booking.com is committed to ensuring compliance with the DSA. However, too early to assess.
- In practice, there are discrepancies between EEA and non-EEA countries when using the platform.
- It is unclear how the categorisation and registration of users are applied when registering a service in either Belgium (within the EEA) or Montenegro (non-EEA).
- Communication with Booking.com seems to be more functional in Belgium than in Montenegro.
- Does this mean that Booking.com selectively applies the DSA?

Thank You For Attention

Q&A

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